

TAB 6
ATTACHMENT 1: WORKSHEET
General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Line Selfe
4/20/11

Managerial Competency Element: Leadership

N/R	Evaluation Element	What This Includes	Exceed	Met	NI	R
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. 	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures to consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. 	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. 	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

1

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N/R	Evaluation Element	What This Includes		Exceed	Meet	NI	R
		Leadership Support Reward & Recognition Teamwork Individual Performance					
<input type="checkbox"/>	Result 4: Links individual performance requirements to key organizational goals. <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings. Recognizes subordinate performance and teamwork. 			<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 5: Promotes and adheres to the highest ethical standards of public service.	Ethics		<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Understands the organization's financial processes. • Prepares, justifies, and administers the program budget. • Oversees procurement and contracting to achieve desired results. • Monitors expenditures and uses cost-benefit thinking to set priorities. • Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.		<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Understands the impact of technological developments on the organization. • Makes effective use of technology to achieve results. • Ensures access to and security of technology systems.	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

3

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General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 4: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and management and conveys expectations for compliance. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Coalition Building and Communication

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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4

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General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

Managerial Competency Element: Problem Solving and Initiative

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 		<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Managerial Competency Element: Equal Employment Opportunity and Diversity

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 		<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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5

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ATTACHMENT 1: WORKSHEET

General Schedule Evaluation Guidance for Managerial Competency Elements (Matrix)

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

6

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-35, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) STRICKLIN, KEVIN G	2. Social Security Number	3. Date of Birth	4. Effective Date
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FIRST ACTION

SECOND ACTION

5-A. Code 542	5-B. Nature of Action CONV TO SES CAREER APPT	6-A. Code	6-B. Nature of Action
5-C. Code V2M	5-D. Legal Authority 5 USC 3393	6-C. Code	6-D. Legal Authority
5-E. Code	5-F. Legal Authority	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number
**SUPERVISORY MINING ENGINEER
00006156 PP1065**

15. TO: Position Title and Number
**ADMINISTRATOR FOR COAL MINE SAFETY AND
DLES0125 ES0125**

8. Pay Plan GS	9. Occ. Code 0880	10. Grade/Level 15	11. Step/Rate 07	12. Total Salary	13. Pay Basis PA	16. Pay Plan ES	17. Occ. Code 1822	18. Grade/Level 00	19. Step/Rate 00	20. Total Salary/Award	21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj.	12C. Adj. Basic Pay		12D. Other Pay .00	20A. Basic Pay		20B. Locality Adj.	20C. Adj. Basic Pay		20D. Other Pay .00

14. Name and Location of Position's Organization
**MINE SAFETY AND HEALTH ADMINISTRATION
OFFICE OF THE ASSISTANT SECRET
OFC OF THE ADMINISTRATOR FOR C
COAL DISTRICT 3 OFF. MORGANTOW**

22. Name and Location of Position's Organization
**MINE SAFETY AND HEALTH ADMINISTRATION
OFFICE OF THE ASSISTANT SECRET
OFC OF THE ADMINISTRATOR FOR C**

DL MI0106000000000000 PP 09 2007

EMPLOYEE DATA

23. Veterans Preference 1 1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Differ 6 - 10-Point/Compensable/30%				24. Tenure 0 0 - None 1 - Permanent 2 - Conditional 3 - Indefinite		25. Agency Use		26. Veterans Preference for RIF YES X NO	
27. FEGLI G0 BASIC-IX ADDITIONAL				28. Annuitant Indicator 9 NOT APPLICABLE		29. Pay Rate Determinant 0			
30. Retirement Plan 1 CS				31. Service Comp. Date (Leave) 02/05/80		32. Work Schedule F FULL TIME		33. Part-Time Hours Per Biweekly Pay Period	
34. Position Occupied 3 1 - Competitive Service 2 - SES General 3 - Excepted Service 4 - SES Career Reverted				35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code		37. Bargaining Unit Status 8888	
38. Duty Station Code 51-0100-013				39. Duty Station (City - County - State or Overseas Location) ARLINGTON ARLINGTON VA					
40. Agency Data		41.	42.	43.	44.				

45. Remarks

Veteran preference is not applicable to the Senior Executive Service.
Subject to satisfactory completion of one year SES probationary period beginning 4/29/07.
Employee was guaranteed placement rights during probation.
Selected from DOL-SES-MSHA-07-02, dated 1/8/07.
Tenure as used for 5 U.S.C. 3502 is not applicable to the Senior Executive Service.

46. Employing Department or Agency DEPARTMENT OF LABOR			50. Signature/Authentication and Title of Approving Official ANDREA BURCKMAN DIRECTOR, OFFICE OF EXEC RESOURC	
47. Agency Code DL MI	48. Personnel Office ID 4155	49. Approval Date 04/21/07		

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPMR Supp. 296-31, Reloc. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) STRICKLIN, KEVIN G				2. Social Security Number		3. Date of Birth		4. Effective Date			
FIRST ACTION					SECOND ACTION						
5-A. Code 542		5-B. Nature of Action CONV TO SES CAREER APPT			6-A. Code		6-B. Nature of Action				
5-C. Code V2M		5-D. Legal Authority 5 USC 3393			6-C. Code		6-D. Legal Authority				
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority				
7. FROM: Position Title and Number SUPERVISORY MINING ENGINEER 00006156 PP1065					15. TO: Position Title and Number ADMINISTRATOR FOR COAL, MINE SAFETY AND DLES0125 ES0125						
8. Pay Plan GS	9. Occ. Code 0880	10. Grade/Level 15	11. Step/Rate 07	12. Total Salary	13. Pay Basis PA	16. Pay Plan ES	17. Occ. Code 1822	18. Grade/Level 00	19. Step/Rate 00	20. Total Salary/Award	21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay		20B. Locality Adj.	
								20C. Adj. Basic Pay		20D. Other Pay .00	
14. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C COAL DISTRICT 3 OFF. MORGANTOW					22. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C						
					DL MI0106000000000000 PP 09 2007						
EMPLOYEE DATA											
23. Veterans Preference						24. Tenure			25. Agency Use		26. Veterans Preference for RIF
1 - None 2 - 5-Point 3 - 10-Point/Disability 4 - 10-Point/Compensable 5 - 10-Point/Other 6 - 10-Point/Compensable/30%						0 - None 1 - Permanent 2 - Conditional 3 - Indefinite					YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
27. FEGLI G0 BASIC-1X ADDITIONAL						28. Annuity Indicator 9 NOT APPLICABLE			29. Pay Rate Determinant 0		
30. Retirement Plan 1 CS				31. Service Comp. Date (Leave) 02/05/80		32. Work Schedule F FULL TIME			33. Part-Time Hours Per Biweekly Pay Period		
POSITION DATA											
34. Position Occupied				35. FLSA Category		36. Appropriation Code			37. Bargaining Unit Status		
3 - Competitive Service 2 - Excepted Service 3 - SES General 4 - SES Career Reserved				E - Exempt N - Nonexempt					8888		
38. Duty Station Code 51-0100-013				39. Duty Station (City - County - State or Overseas Location) ARLINGTON ARLINGTON VA							
40. Agency Data		41.		42.		43.		44.			

45. Remarks

Veteran preference is not applicable to the Senior Executive Service.
Subject to satisfactory completion of one year SES probationary period beginning 4/29/07.
Employee was guaranteed placement rights during probation.
Selected from DOL-SES-MSHA-07-02, dated 1/8/07.
Tenure as used for 5 U.S.C. 3502 is not applicable to the Senior Executive Service.

46. Employing Department or Agency DEPARTMENT OF LABOR			50. Signature/Authentication and Title of Approving Official ANDREA BURCKMAN DIRECTOR, OFFICE OF EXEC RESOURC		
47. Agency Code DL MI	48. Personnel Office ID 4155	49. Approval Date 04/21/07			

FY 2011 Performance Management Agreement for Executives



ORIGINAL

1. Executive Name (last, first, middle)
Stricklin, Kevin G

2. Organization
MSHA, CMS&H

3. Title, Series, Grade
Administrator, ES 0880

4. Appraisal Period (mm/dd/yyyy)
11-29-10 to 09/30/2011

Performance Development (Responsibilities and Work Commitments)

1a. I discussed this plan with employee ☒ Yes ☐ No 1b. Employee written comments are attached. ☐ Yes ☒ No

2a. This Agreement links all critical elements to specific Agency Operational Plan goals ☒ Yes ☐ No

2b. This Agreement holds the executive accountable for measurable and observable results ☒ Yes ☐ No

3. Signature of the Rating Official

Date (mm/dd/yyyy)

4. Signature of the Executive

Date (mm/dd/yyyy)

5. Performance Review (Mid-Year)

1. Mid-term progress review has been conducted ☐ Yes ☐ No If No, Explain (attach sheet if more room required):

3. Signature of the Rating Official

Date (mm/dd/yyyy)

4. Signature of the Executive

Date (mm/dd/yyyy)

D. Performance Evaluation

Use the following scale to rate the executive's performance. Select the appropriate rating. Element ratings: E = Exceeds; M = Meets; NI = Needs Improvement; F = Fail

1. Managerial Competency Elements (Use Worksheet-Attachment 1)	Element Rating
Leadership	E M NI F
Resource Management	E M NI F
Summary Score:	E M NI F

2. Organizational Performance Elements	E	M	NI	F
Result 1				
Result 2				
Result 3				
Result 4				
Result 5				
Summary Score:				

3. Rating Definition Formula	
Exemplary	Exceed standards for all elements
Highly Effective	Exceed standards for at least three of the Organizational Performance Elements and at least one Managerial Competency element and meet standards for all other elements.
Effective	Meet standards for all elements but does not meet the criteria for Highly Effective
Minimally Satisfactory	Need to improve performance for one or more elements
Unsatisfactory	Fails to meet standards on one or more elements

E. Annual Performance Review and Rating

1. Indicate performance appraisal rating ☒ Exemplary ☐ Highly Effective ☐ Effective ☐ Minimally Satisfactory ☐ Unsatisfactory

2. Purpose of Appraisal ☐ Interim Rating ☒ Rating of Record

3a. We have discussed this appraisal ☒ Yes ☐ No 3b. Written comments are attached ☐ Yes ☒ No

3c. Executive would like to request a higher level review ☐ Yes ☒ No

4. Signature of the Executive

Date (mm/dd/yyyy)

5a. Rating Official Name (Last, first, middle)

5b. Signature of the Rating Official

Date (mm/dd/yyyy)

6a. Reviewing Official Name (Last, first, middle)

6b. Signature of the Reviewing Official

Date (mm/dd/yyyy)

Signature of the Performance Review Board

Date (mm/dd/yyyy)

8. Signature of the Secretary

Date (mm/dd/yyyy)

F. Managerial Competency Elements**Performance Standards for Leadership**

Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.

Result 2: Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Result 3: Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Result 4: Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.

Result 5: Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives.

Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.

Result 7: Promotes integrity and adheres to the highest ethical standards of public service.

Performance Standards for Resource Management

Result 1: Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.

Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Result 3: Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.

Result 4: Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance.

Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.

Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Result 7: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

G. Organizational Performance Elements

Provide Organizational Performance Elements that demonstrate direct linkage with your agency's Operational Plan.

This section should include the major results to be achieved during the period covered by the performance agreement.

SAMPLE ORGANIZATIONAL PERFORMANCE ELEMENT:

(Outcome) Publish updated policy # XXXX on DOL representatives contact with mine employees. (Measure) report updates all pertinent portions of existing policy (Timeframe) by mid-year 04/30/11. Measure or source of data to determine "Meets" is the number of pertinent portions of xyz policy.

Performance Element Result #1

1. Specific Outcome (the result):

Reduce fatalities, injuries and illness in the nation's mines by increasing inspection and enforcement effectiveness.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

- Utilize Key Indicators to monitor and improve enforcement performance and quality. Ensure program accountability for appropriate actions taken for results that fall outside the distinct, predetermined performance levels.
- Ensure Coal Mine Safety and Health complete 100 percent of EOI inspections.
- Monitor use of focused inspections (Pattern of Violations, Impact and Special Emphasis Health inspections) to target mines with specific conditions, problems or compliance issues that merit increased agency attention and enforcement and to ensure appropriate enforcement actions are implemented to reduce over-exposures to dust and noise.
- Initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans to foster continuous improvement.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Utilize key indicator reports as well as audit results to determine positive change and consistency of enforcement. Increased inspection and enforcement effectiveness is indicated by long-term improvement in the compliance behavior of the nation's mines and by a downward trend in fatalities, injuries and illness in the nation's mines.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Through September 30, 2011

5. Links to Operational Plan:

See Pages 4 - 16

6. Narrative (one page limit)

See Attached

Performance Element Result #2

1. Specific Outcome (the result):

Reduce accidents, injuries and death from mining through more consistent enforcement of the Mine Act, MINER Act and Regulations and timely implementation of corrective actions.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

- Ensure timely abatement of citations/orders.
- Ensure timely investigation of Hazardous Condition Complaints, 108 and 110.
- Ensure timely evaluation of Mine and Ventilation plan approvals.
- Ensure conferences and contested cases are handled appropriately.
- Monitor program audits, evaluations and reviews to ensure program quality and effectiveness.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

- Utilize Part 50 database and audit and evaluation results to determine positive trends in injury and fatality rates.
- Utilize Key Indicators to determine increased consistency in inspection and enforcement effectiveness (e.g. reduction in the number of vacated citations = improved consistency).

• Hazardous Condition Complaints database tracks the timely investigation and resolution of hazardous conditions.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Through September 30, 2011

5. Links to Operational Plan:

See Pages 4 - 16

6. Narrative (one page limit)

See Attached

Performance Element Result #3

1. Specific Outcome (the result):

Maintain a safe and healthful environment by encouraging miner's voice in the workplace, protecting miners from discrimination and supporting open government.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

- Ensure investigations conducted under Sections 103(g), 105(c) are aggressively developed and completed consistent with the Agency's statutory and policy timeframes and in conformance with national policy and procedures.
- Ensure openness, transparency and timely disclosure when responding to Freedom of Information Act (FOIA) requests.
- Oversee development of strategies that encourage and improve:
 - o Miner's Voice in the Workplace
 - o Information dissemination to stakeholders and general public

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

- The Hazardous Conditions Complaint database is used to monitor and track the timely investigation and resolution of 103(g).
- MSHA headquarters and district offices use an access database to monitor and track the timely investigation and resolution of discrimination complaints and temporary reinstatement requests.
- The Secretary's Information Management System (SIMS) is used to track the timeliness of FOIA requests.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Through September 30, 2011

5. Links to Operational Plan:

See Pages 13 - 16

6. Narrative (one page limit)

See Attached

Performance Element Result #4

1. Specific Outcome (the result):

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

5. Links to Operational Plan:

6. Narrative (one page limit)

Performance Element Result #5

1. Specific Outcome (the result):

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

5. Links to Operational Plan:

6. Narrative (one page limit)

H. Other Significant Accomplishments tied to Departmental Initiatives

Describe any contributions to Departmental Initiatives and/or other significant accomplishments, by the Executive which are not covered under the Organizational Performance Element Objectives. Limit these descriptive statements to no more than one half page each.

Attachment 1: Worksheet

TAB 3

Kevin G. Strickland

ATTACHMENT 1: FY2011 WORKSHEET

MSA

Senior Executive Evaluation Guidance for Managerial Competency Elements

Managerial Competency Element: Leadership

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> • Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. • Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. • Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. 	<ul style="list-style-type: none"> • Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. • Demonstrates an understanding of the Agency's performance indicators. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> • Analyzes problems and develops alternative solutions, emphasizing new approaches. • Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> • Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. • Encourages, promotes, and supports innovative strategies among subordinates. 	<ul style="list-style-type: none"> • An effective problem solver. • Recognizes innovation. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> • Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> • Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. 	<ul style="list-style-type: none"> • Serves as an effective representative of his/her immediate agency/office. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

1

TAB 3

ATTACHMENT 1: FY2011 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Promotes and maintains a diverse and inclusive workforce.</p> <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 		<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. 	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Anticipates and meets the needs of clients/customers to provide better service.</p> <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. 	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.</p>	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. 	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

2

TAB 3

ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 7: Promotes integrity and adheres to the highest ethical standards of public service.		<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Score for Leadership			Exceed	Meet	NI	F

N/R = Not Rated

3

TAB 3 ATTACHMENT 1: FY2011 WORKSHEET

Kevin G. Smith
MS/HR

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Understands the organization's financial processes. <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. 	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. 	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

4

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 3: Understands the impact of technological developments on the organization. <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. 	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 4: Links individual performance requirements to key organizational goals. <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance. 	Leadership Support Reward & Recognition Teamwork Individual Performance	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. 	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance reward and recognition systems. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Set an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. 	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

5

TAB 3

ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.		<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. 	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and management. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 7: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. 	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. 	<input type="checkbox"/>	<input type="checkbox"/>
Score for Resource Management						
Summary Score for Managerial Competency			Exceed	Meet	NI	F

N/R = Not Rated

6

RATING JUSTIFICATION for Kevin G. Stricklin:

Kevin G. Stricklin's Exemplary Performance is in support of the Department of Labor's, MSHA's mission to prevent death and disease and injury from mining, as defined by the Agency's outcome goals and strategies, (Aligns with FY 2011 Operating Plan section entitled Outcome Goals: Strategic, Long-term, and Short-term, See pages 1-19).

Mr. Stricklin's 2011 Exemplary Performance Rating is based upon his significant contributions to the Mine Safety and Health Administration from October 1, 2010 – September 30, 2011 while serving as the Administrator, Coal Mine Safety and Health (Coal) Mine Safety and Health.

Through his exceptional leadership the efforts and achievements of Coal Mine Safety and Health speak for themselves. He not only met the goals of the 2011 Operating Plan by reaching 100% completion of mandated inspection and high hazard impoundments but he also met the goal set for impact and respirable coal dust inspections. He continued to keep a total of almost 1200 personnel focused on protecting miners' safety and health as well as continued to strive for improvements within his Program Area such as consistency in enforcement, the large backlog of contested cases, conducting Field Office Supervisor Training as a proactive response to UBB, operating within our budgets and hiring where needed.

Mr. Stricklin proved his exemplary performance by continuing to work across Program Areas in his efforts to improve his own. Through out the year he was in constant contact with A&M regarding hiring and budget management and on several occasions he met with the NCFLL. He and EPD have worked to ensure CMI entry-level classes could be scheduled to match the pace of hiring, that adequate retraining classes were being offered to ensure his journeymen enforcement personnel could be trained, ensured and that there was adequate space and time to conduct Field Office Supervisor training. He relied upon Technical Support on many occasions to collaboratively author many directives affecting the health and safety of the mining community, ensured that as the National Air and Dust lab moved from Coal to Technical Support that personnel and funding would be handed over as well to ensure the continued success of the lab and finally had to utmost confidence in the Mine Emergency Division to train our Mine Emergency Members. Mr. Stricklin worked with PEIR to ensure that funding was available to ensure a large, needed computer purchase would become reality for his field personnel. He continued to provide personnel to assist, guide, and advise PEIR on matters affecting the databases and systems that could affect his Program Area. He worked with the Assessments Office to ensure that PPOV mines were notified and monitored and that allegations of miners' rights infractions were investigated. He worked collaboratively with Metal-Nonmetal to ensure that where enforcement issues could be addressed consistently they were, he and the Administrator for MNM work closely to assist each other in times of need with the sole intention of the protection of the miner. Finally, on multiple occasions provided interviews, presentations, etc. to the

Kevin G. Stricklin
Appraisal Period 10/01/2010 – 09/30/2011

Managerial Competency Element 1: Leadership

Throughout this rating period, Mr. Stricklin's performance is in support of MSHA's FY 2011 Operating Plan Short-Term Outcome Goals for Health, Safety, and Worker Protection, specifically #2, To protect the safety and health of America's miners and mine communities. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

Throughout this rating period, Mr. Stricklin has provided outstanding leadership and corporate direction to the nearly 1200 Coal Mine Safety and Health employees at the Headquarters in Arlington, Virginia and to the 12 Districts and 43 field offices across the entire United States. His exemplary leadership skills have inspired the cooperation and confidence of Coal Mine Safety and Health employees throughout the entire organization to produce optimal results and dedication to the mission. His efforts and leadership demonstrated his extensive awareness and understanding of the Department's mission and strategic vision.

- **Result 1: Long and Short-term Strategic Planning.** Mr. Stricklin employed innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan by empowering each his HQ Divisions to continue to attack problems and/or negative trends; including areas such as Safety, Health, internal Administrative areas and taking the steps necessary to ensure that all workers were treated fairly however utilizing the necessary steps to ensure that our workforce was able to meet the physical requirements needed to perform enforcement activities. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

- **Result 2: Stresses Innovation, Creativity and Risk-Taking.** Mr. Stricklin clearly demonstrated initiative and ability to explore and create alternative solutions to problems by encouraging and empowering but not micro-managing his Managers to be creative with their efforts to manage their programs, e.g. developing slogans for Winter Alert, stickers for the Coal Miners emphasizing various hazards, developing and disseminating safety and health flyers, etc...; giving numerous personnel opportunities to "act" or be temporarily promoted into positions outside their area as a result of a drain on resources; and supporting other program areas initiatives such as the completion of the transfer of the National Air and Dust lab functions from CSMH to Technical Support. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

- **Result 3: Represents the Department Internally and Externally.** Mr. Stricklin served as an effective, reliable, and persuasive representative of the Agency and DOL by continuing to be the face and voice of MSHA and the DOL during the UBB investigation; representing MSHA in a multitude of Senate, House, and WV delegation briefings as well as congressional mine visits and representing MSHA at the 10-year anniversary of the Jim Walters accident. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

- **Result 4: Diverse Workforce.** Mr. Stricklin practiced effective recruitment efforts to increase the pool of quality candidates as well as supported Coal's efforts in accommodating employees when it did not affect the mission. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-18 of the Plan).*

- **Result 5: Provide Better Service to Clients and Customers.** Mr. Stricklin provided the highest quality service to Agency customers, stakeholders, and employees by continuing to meet with the families of the UBB victims to provide updates on the investigation and providing an accident investigation briefing to the general public and media; participating in a number of gatherings or speaking engagements including Coal inspector orientations and graduations, various Coal retraining classes; the governor of WV, and various coal companies; and dealing with internal issues. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pg. 13 of the Plan).*
- **Result 6: Accepts Mistakes as Development Process.** Mr. Stricklin accepted a culture that encourages employees to take calculated risks to improve performance. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*
- **Result 7: Integrity and Ethics.** Mr. Stricklin demonstrated integrity and adheres to the highest ethical standards and by holding his employees to a high level of standards. Reacting quickly but fairly to remedy behavior and performance issues from his top managers to first level employees. *Links to Operational Plan: Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

The manager Exceeds this competency.

Managerial Competency Element 2: Resource Management

Mr. Stricklin's throughout this rating period, in support of MSHA's FY 2011 Operating Plan Short-Term Outcome Goals for Health, Safety, and Worker Protection, specifically #2, To protect the safety and health of America's miners and mine communities. *Links to Operational Plan:*

Organizational improvements support all seven strategies of the FY 2011 Operating Plan. (See pp. 4-16).

Mr. Stricklin has displayed an exceptional level of awareness and concern for agency expenditures and financial priorities. He consistently provided guidance and support to the districts and headquarters staff in effectively managing budgetary resources.

- **Result 1: Financial Management.** Mr. Stricklin managed a budget of approx 160 million whereby 76% is attributed to payroll, 17% to overhead, and 10% to recurring costs leaving CSMH about 0.6% to deal with unplanned purchases. CSMH ended the FY at about \$350k in the red which is exceptional considering the on-going UBB investigation; budget meetings were held between Mr. Stricklin's staff and MSHA's Budget Officer to ensure a transparent operation. *Link to Operational Plan: Supports all aspects of MSHA's FY 2011 Operating Plan. Directly linked to the development and execution of FY 2011 Inputs (budgetary and human resources described in Section 4 of the Plan) and Outputs and Performance Accountability (Sections 3 and 5). See pp. 13-18 of the FY 2011 Plan.*

- **Result 2: Talent Management.** Mr. Stricklin displayed the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency by offering current employees the opportunity to act in vacant positions to promote talent and growth. Due to the UBB investigations and attrition at the end of the FY, CSMH had approximately 30 – 35 personnel detailed or temporarily promoted into different positions. In FY 11 CSMH conducted 12 testing sessions in 8 of the 12 districts; he ensured that a variety of enforcement retraining classes was made available and attended by personnel holding authorized representative (AR) cards; and provided training for the Coal Field Office Supervisors to specifically target their needs. *Link to Operational Plan: and Outputs and Performance Accountability (Sections 3 and 5). See pp. 13-18 of the FY 2011 Plan.*

- **Result 3: Technology and Modernization.** Mr. Stricklin identified and creatively utilized current and new technologies to maximize the agency's ability to achieve it priorities by participating in the Rules to Live By II training and continuing to develop in house solutions in order to better track data. *Link to Operational Plan: New laptop and desktop computers for Coal field inspectors directly link to FY 2011 Operating Plan Strategy 1, "Increase Inspection and Enforcement Effectiveness." See pp. 5-7 of the Plan.*

- **Result 4: Leadership Support, Reward & Recognition, Teamwork, Individual Performance.** Mr. Stricklin repeatedly demonstrated ability to link individuals with Departmental and Agency performance requirements by allowing districts to reward employees through performance and instant good job awards and recognizing personnel through the Secretary's Honor Award Program. *Link to Operational Plan: Management improvements and improved communication support all seven strategies of the FY 2011 Operating Plan. See pp. 4-18.*

- **Result 5: Communication and Morale.** Mr. Stricklin fostered and reinforced a collaborative and engaged environment that inspired and encouraged service, motivation, spirit, pride, and trust by practicing an open door policy and brainstorming sessions empowering employees to share ideas; developed a climate of motivation, participation and opportunities for employee initiative; immediately and effectively investigated and addressed complaints filed whether it be anonymous, mine operators or other employees through using internal personnel and/or internal departments to maintain integrity of investigation and to ensure fair and unbiased decisions; personally served as mediator on EEO complaints in an attempt to resolve issue before they proceeded to next step; routinely held conference calls with District personnel to encourage and promote their efforts in support of the Agency's mission and recognizing, reacting and implementing a remedy with respect to conduct or performance related

Organization Element Result #1: Reduce fatalities, injuries and illness in the nation's mines by increasing inspection and enforcement effectiveness. *Links to Operational Plan: Organizational improvements support all three results of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

Fatal Injury Incidence Rate:

FY 2011 Target: .0404

FY 2011 Result: .0113 through 3rd qtr

All Injury Incidence Rate:

FY 2011 Target: 3.28

FY 2011 Result: 3.28 through 3rd qtr

Overexposures to Noise:

FY 2011 Target: 2.99

FY 2011 Result: 2.72

Overexposures to Dust:

FY 2011 Target: 6.32

FY 2011 Result: 5.76

- CMSH initiated and has continued to conduct "impact inspections". Coal selected mines that would represent potential explosion hazards. Through 11 months of the FY, CMSH conducted 129 impact inspections. In FY11, these inspections resulted in 2,082 citations, 176 Orders, 10 Safeguards with an average S&S rate of 46.42%;
- There were over 19,000 events opened and over 93,000 citations and orders issued.
- CMSH is on a record setting pace for lowest fatalities;
- Ensured maximum use of resources despite at one time over 40 details and temporary promotion ongoing due to UBB and attrition;
- 3 entry level inspector training classes were started in FY11 and 4 classes graduated;
- 13 mines received notice of Potential Pattern of Violation (PPOV), 2 were placed back on a PPOV status after concluding their compliance levels fell to unacceptable levels, and 2 coal mining operations were placed on POV – a first in the history of the Mine Act;
- For the first time, MSHA/CMSH filed with the US District Court a motion for preliminary injunction (section 108(a)(2)) of the Mine Act against Freedom Energy located in KY;
- Key Indicator reports were utilized as a management tool;
- Achieved 100% completion of the mandatory safety and health inspections;
- The split of District 4 became a reality in May of 2011;
- Issued safety alerts, safety flyers, fatality alerts, and various materials to distribute to coal miners such as alerts regarding Communication and Tracking Distress Features and Storm Run Off and Mine Water Accumulations;
- Reviewed, along with his staff, all fatalities and draft enforcement actions which were contributory to fatal accidents;
- Continued using two teams of inspection personnel to conduct health inspections, respirable dust sampling and evaluation of dust controls. Mines were selected for inspections based on criteria such as:
 - 1) Difficulty complying with the applicable respirable dust standard.
 - 2) Low-weight Designated Occupation Samples (unreasonable concentration for occupation sampled).
 - 3) High quartz levels in respirable dust.
 - 4) Unreasonable/insufficient dust controls specified in the approved ventilation plan.
 - 5) Operator or MSHA samples not collected during time when unit is producing normal amounts of material (unrepresentative samples of normal mining operations);
- Over the course of the FY, the dust teams inspected 16 mines in 4 districts, collected over 200 valid respirable dust samples. The dust teams issued a total of 173 citations of which 127 were related to health and 46 were related to safety; and
- During FY11 a higher percentage of inspections, 63% were full sampling inspections, compared to 45% (22 mines) of FY10 inspections.

The manager Exceeds this competency.

Organization Element Result #2: Reduce the fatalities and injuries in the Nation's Coal mines by increasing inspection and enforcement effectiveness.

Mr. Stricklin's performance in this element directly supports MSHA's FY 2011 Operating Plan Short-Term Outcome Goals for Health, Safety, and Worker Protection. *Links to Operational Plan: Organizational improvements support all three results of the FY 2011 Operating Plan. (See pp. 4-16 of the Plan).*

- Coal Mine Safety and Health was the sole author or co-authors on 22 new and 41 reissued Safety/Health Information Bulletins and Instruction Letters. Examples include Protecting Miners from Hazards Related to Rib Falls, Run-Through Check Curtains, Inspection of Post-Accident Communication and Electronic Tracking Systems, and Updated Procedures for Inspection of Seals;
- All Coal Authorized Representatives (AR's) completed the Rules To Live By II training course;
- Promoted and emphasized to the Districts that all AR's receive appropriate retraining to hone their enforcement knowledge;
- Continued to promote consistency in enforcement measures through various means such as managers' meetings and conference calls, and a two-week training course for our Field Office Supervisors;
- Indications of lacking oversight were addressed at the highest levels of the District, to ensure that the District Manager was aware that ultimately he/she was responsible for the expectations he/she put on the district personnel;
- Ensured that poor performance, misconduct and errors are quickly dealt with, e.g. this FY there was over 30 actions taken against employees. These actions included actions such as termination to suspensions due to failure to following inspection procedures;
- In order to maximize the availability of enforcement personnel, efforts were made to properly address issues of temporary vs permanent medical inability to perform essential functions;
- Directly and through staff contributed to accident prevention and reduction strategies. Mr. Stricklin and staff traveled to districts, various meetings and conferences, Inspector orientations and graduations as well as met with specific mine operators and associations to discuss key initiatives; and
- Indicator reports were reviewed, monitored and analyzed to track individual and district performance, the other national databases were regularly utilized (time utilization, IPAL uploads, timely citation terminations, etc.).

The manager exceeds this competency.

Organization Element Result #3. Maintain a safe and healthful environment by encouraging miner's voice in the workplace, protecting miners from discrimination and supporting open government.

Mr. Stricklin's performance in this element directly supports MSHA's FY 2011 Operating Plan Short-Term Outcome Goals for Health, Safety, and Worker Protection. *Links to Operational Plan: Organizational improvements support all three results of the FY 2011 Operating Plan. (See pp. 13-16 of the Plan).*

- Monitored inspection data and the level of consistency in inspections. Audits were conducted and discrepancies were corrected;
- Continued to monitor and track accountability reviews to ensure compliance with recommendations; and
- Ensured that enforcement personnel made mine visits to determine if the level of enforcement was effective and consistent with the conditions and practices in the mine.

CMSH had representatives on rule making committees:

- Proposed Rule on Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines;
 - Proposed Rule on Proximity Detection Systems for Underground Mines;
 - Rock Dust;
 - Respirable Silica;
 - Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards;
 - Pattern of Violations; and
 - Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors.
-
- Resources were provided to ensure openness, transparency and disclosure when responding to all FOIA's;
 - In FY11 CMSH, not including the carry over, received 1335 FOIAs, Completed 1360 FOIAs and ended the Year with 118 still pending at the end of the FY;
 - Various materials were developed to educate and inform Miners of their Rights. Talking points were given to the inspectors;
 - Miners were given a Miners' rights Trifold Brochure, Pocket Card, and sticker;
 - Miners were told of MSHA's website "A Guide to Miners' Rights and Responsibilities" as well as information available from the Mine Academy including A Guide to Miners' rights and Responsibilities – DVD; and
 - Coal received approximately 1179 hazardous condition complaints during FY2011. A final decision had been reached for 1128 of those complaints, approximately 334 (30%) of which were positive findings.

The manager Elwood this competency.



Performance Management Plan for Executives

ORIGINAL

A. General Information

1. Executive Name (last, first, middle) Stricklin, Kevin G.	2. Organization DOL/MSHA/Coal Mine Safety and Health
3. Title, Series, Grade Administrator, Coal Mine Safety and Health, ES-1822-00	4. Appraisal Period (mm/dd/yyyy) 10/01/2009 to 09/30/2010

B. Performance Elements and Standards Certification

1. I certify that this performance plan contains accurate performance elements and standards that:	<input checked="" type="checkbox"/>	Link all critical elements to a specific Department, Agency, and/or organizational strategic goal.
	<input checked="" type="checkbox"/>	Hold the executive accountable for measurable and observable results.
	<input checked="" type="checkbox"/>	Link to the executive's position description and reflect the duties and responsibilities assigned to the executive.

2. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 01/06/10
--	-------------------------------

3. Rating Official Name (last, first, middle) DAVIS Michael Allen
--

4. Rating Official Title Deputy of OPERATIONS
--

5. Prototype Standards? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Position Description Certification

1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, explain below.)	2. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 01/06/10
---	--	-------------------------------

3. Rating Official Name (last, first, middle) DAVIS Michael Allen
--

4. Rating Official Title Deputy of OPERATIONS
--

D. Establishment of the Performance Management Plan

1. We have discussed this plan and written comments are attached. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	2. Executive Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 12/15/2009
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3. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 01/06/10	6. Reviewing Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 01/06/2010
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4. Rating Official Name (last, first, middle) DAVIS Michael Allen	7. Reviewing Official Name (last, first, middle) WAGNER Gregory R.
--	---

5. Rating Official Title Deputy of OPERATIONS	8. Reviewing Official Title DAS
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E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below.)	3. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 05/04/2010
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4. Rating Official Name (last, first, middle) WAGNER Gregory R.
--

5. Rating Official Title Deputy Assistant Secretary for Policy

6. Executive Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 5/12/10
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F. Performance Appraisal and Rating

1. Indicate performance appraisal and rating below.	2. We have discussed this appraisal, written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record	6. Executive Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 10/22/2010
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4. Rating Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 10/22/2010	7. Reviewing Official Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 10-22-2010
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5. Rating Official Name (last, first, middle) Gregory R. Wagner	8. Reviewing Official Name (last, first, middle) Joseph A. Main
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9. Chair, Performance Review Board Signature <i>[Signature]</i>	Date (mm/dd/yyyy) JAN 10 2011	10. Secretary of Labor Signature <i>[Signature]</i>	Date (mm/dd/yyyy) JAN 10 2011
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1. Indicate performance appraisal and rating below.	2. We have discussed this appraisal, written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record	6. Executive Signature <i>[Signature]</i>	Date (mm/dd/yyyy) 10/22/2010
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1. Indicate performance appraisal and rating below.	2. We have discussed this appraisal, written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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9. Chair, Performance Review Board Signature <i>[Signature]</i>	Date (mm/dd/yyyy) JAN 10 2011	10. Secretary of Labor Signature <i>[Signature]</i>	Date (mm/dd/yyyy) JAN 10 2011
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G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve; F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>			
Resource Management	<input checked="" type="checkbox"/>			

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1	<input checked="" type="checkbox"/>			
Result 2	<input checked="" type="checkbox"/>			
Result 3	<input checked="" type="checkbox"/>			
Result 4	<input checked="" type="checkbox"/>			

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

1. Leadership**Performance Standard for Meet**

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, and improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customers' needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives.
- Stresses innovation, creativity and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the development process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.
- Effectively represents the Department and the organization internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.
- Demonstrates integrity and adheres to the highest ethical standards of public service.
- Promotes and maintains a diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools, fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees.

Narrative

2. Resource Management

Performance Standard for Meet

- Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.
 - Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation; ensures EEO principles are adhered to throughout the organization.
 - Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.
 - Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance.
 - Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflict in a positive and constructive manner.
 - Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
 - Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of *Good Jobs for Everyone*. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plan for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
 - Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.
-

Narrative

Performance Elements
 Provide four results-specific objectives that demonstrate linkage with the Secretary's Vision of Good Jobs for Everyone. This section should include the major results to be achieved during the period covered by the performance agreement. Results need to be clearly identified and measurable. They should be phrased in a manner that will leave no doubt about whether the results were achieved; however, the results should not include detailed milestones or descriptions of the process and methods used to get the results. Associated performance goals must be referenced in narratives prepared by the Rater in support of the executive's performance, under each results-specific objective.

Result #1

☒ Exceed ☐ Meet ☐ Need to improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Reduce the mining fatality injury incidence rate in the Nation's Coal mines in accordance with the performance goals and indicators.

Reduce the ALL injury Incidence Rate in the Nation's Coal mines in accordance with the performance goals and indicators.

Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105(c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

Performance Standard

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105(c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner. Progress will be measured by using a variety of reports.

Narrative

Result #2
☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Reduces fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of each District's geography and work load when determining acceptable average performance baselines.

Performance Standard

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all E01 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines nationwide.

Narrative

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Decrease by 2% per year from the previous year's actual performance or target, the percentage of dust and noise samples taken with results that are above the allowable limits.

Performance Standard

Focused inspections are used to target the most egregious and persistent violators; conduct special emphasis respirable coal mine dust and noise inspections in FY 2010; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Busters" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

Narrative

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Goal 10 – Voice in the Workplace:

Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and PEER reviews.

Incumbent will monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law and review findings noted in such reviews and timely implement corrective actions.

Oversee the Agency's renewed commitment to Open Government primarily through the administration of Freedom of Information Act requirements.

Provide the necessary leadership and resources to demonstrate the Agency's commitment to miners' voice in the workplace.

Supports DOL's Continuity of Operations (COOP) activities.

Performance Standard

Required Mine visits are made; repeat audit findings are reduced or eliminated, personnel are trained as necessary, field activity and second level reviews are completed, deficiencies are timely addressed; there is consistency in citations/orders issued, Hazard Condition Complaints are processed following SOPs, conferences and contested cases are not modified or vacated at an unreasonable rate; 105(c) and 110 cases have been investigated in accordance with the handbook, policies and procedures and mine plan approvals are evaluated accurately and thoroughly.

Provides the necessary leadership and resources to ensure openness, transparency and timely disclosure when responding to all Freedom of Information Act requests.

Strategies and initiatives support the Agency's commitment in assuring that miners are free to exercise their legal right to identify hazardous conditions and request Agency inspections without discrimination by overseeing the programs designed to empower miners to request and receive appropriate Agency response and protection.

Provide liaison support to and coordination with the DOL for Continuity of Operations (COOP) activities, and provide executive leadership by assigning appropriate resources for COP implementation within the Agency.

Narrative

Narrative
Kevin G. Stricklin
Appraisal Period 10/01/2009 – 09/30/2010
Rating of Record: EXEMPLARY

Managerial Competency Element 1: Leadership

Mr. Stricklin's performance in this element directly supports achievement of the Department of Labor's Strategic Goal 2 – Secure Safe and Healthy Workplaces – and Performance Goal – Reduce work-related fatalities, injuries and illnesses in mines.

Throughout this rating period, Mr. Stricklin has provided outstanding leadership and corporate direction to the Coal Mine Safety and Health program at the Headquarters in Arlington, Virginia and to the 11 Districts and 44 field offices across the entire United States. His exemplary leadership skills have inspired the cooperation and confidence of Coal Mine Safety and Health employees throughout the entire organization to produce optimal results and dedication to the mission. Mr. Stricklin virtually became the face and voice of MSHA as the nation and world watched the rescue/recover efforts in the aftermath of the Upper Big Branch Explosion. His efforts and leadership demonstrated his extensive awareness and understanding of the Department's mission and strategic vision. He actively worked to develop and/or implement forward-looking strategic plans that maximized the Agency's ability to achieve its objectives and to keep the nearly 1200 employees of Coal Mine Safety and Health focused on the fact that their efforts made a difference.

- **Result 1: Long and Short-term Strategic Planning.** Mr. Stricklin employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan by:
 - Establishing performance goals that are challenging, consistent, attainable and in concert with the performance agreement items.
 - Empowering each his HQ Divisions to continue to attack problems and/or negative trends, including areas such as Safety, Health, and internal Administrative areas.
 - Providing dedicated personnel to assist in the writing of the proposed rule on Lowering Miners' Exposure to Coal Mine Dust and the Use of the Continuous Personal Dust Monitor (CPDM).
 - Identifying over 70 mines nationwide to be the most egregious and persistent violators and performed impact inspections at these operations.
 - Conducting Special Emphasis blitzes and inspections that served a dual purpose of strong enforcement while efficiently using resources, i.e. inspections also contributed to the mandatory inspections.
 - Continuing with efforts to split District 4 into two more manageable Districts.
- **Result 2: Stresses Innovation, Creativity and Risk-Taking.** Mr. Stricklin clearly demonstrated initiative and ability to explore and create alternative solutions to problems by:
 - Encouraging and empowering but not micro-managing his HQ Division Chiefs and Field District Managers to be creative with their efforts to manage their programs, e.g. developing slogans for Winter Alert, stickers for the Coal Miners emphasizing various hazards, developing and disseminating safety and health flyers, etc...
 - Giving numerous personnel opportunities to "act" or be temporarily promoted into positions outside their area as a result of a drain on resources due to the UBB investigations.
 - Submitting or supporting other program areas submission of various budget initiatives such as the eventual closing and then migration of District 1 into District 2, the development of a Mid West Mine Rescue facility, the transfer of the National Air and Dust lab functions from

Coal to Technical Support, and the efforts to restructure the Potential Pattern of Violation Process.

- **Result 3: Represents the Department Internally and Externally.** Mr. Stricklin served as an effective, reliable, and persuasive representative of the Agency and Department of Labor on virtually all matters internal and external to the agency by:
 - Becoming the face and voice of MSHA and the Department of Labor during the rescue/recovery efforts during UBB.
 - Representing MSHA in a multitude of Senate, House, and WV delegation briefings on the status of the investigation.
 - Briefing President Obama in the aftermath of the accident.
 - Attending with the President, Vice President, Secretary of Labor, and MSHA's Assistant Secretary, the West Virginia Memorial Service for the Upper Big Branch miners.
- **Result 4: Diverse Workforce.** Mr. Stricklin practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups by:
 - Continuing to collaborate with A&M, ODEO, and OPEOS personnel to target specific geographic areas prior to scheduling job fairs.
 - Dedicating staff to participate in career development events within the regions to expose students to possible careers and job opportunities with MSHA.
 - Holding all employees to a high standard of fair and equitable treatment, including hiring the best qualified.
 - Supporting Coal's efforts in accommodating employees when it does not affect the mission.
 - Participating in diversity hiring efforts, such as the presentation to the Colorado School of Mines.
- **Result 5: Provide Better Service to Clients and Customers.** Mr. Stricklin provided the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs by:
 - Meeting with the UBB families of the UBB victims in the aftermath of the accident.
 - Rotating personnel, this ensured that his districts had resources to meet the mandated inspections.
 - After UBB he did all he could to ensure that the morale of his employees and the Agency suffered as little as possible. Counselors were made available and he personally made visits to speak to the employees of District 4.
 - Providing the resources to serve on the committee to improve MSHA and Industry Mine Emergency Response Preparedness which had conducted interviews, collected objective and subjective data, analyzed data, prioritized gaps and recommended solutions to provide faster and more effective responses during mine emergencies.
 - Monitoring the timely investigation and resolution of hazardous conditions reported.
 - Participating in a number of gatherings or speaking engagements, internal and external including Coal inspector orientations and graduations, the Wilberg and Scotia Mine Disaster anniversaries, accompanying Sect. Solis and various congressional members on mine visits, speaking with Coal Operators, Coal Associations, and the Interstate Mining Commission.
 - Dealing with internal issues such as a pay/compensation issue that affected Mr. Frank Markosek, the former MSHA employee injured while attempting to rescue the trapped miners at Crandall Canyon.

- **Result 6: Accepts Mistakes as Development Process.** Mr. Stricklin accepts a culture that encourages employees to take calculated risks to improve performance by:
 - Fostering a climate providing motivation, participation and opportunities for employees to show initiative and take calculated risks.
 - Openly discussing and encouraging employees that in the face of a disaster and the resulting internal review and OIG audits, mistakes or inefficiencies will be found; however, he encouraged his employees to accept most of the criticisms as a means to become a stronger Agency.
- **Result 7: Integrity and Ethics.** Mr. Stricklin demonstrates integrity and adheres to the highest ethical standards by:
 - Consistently setting an example of integrity and high ethical standards for all he comes in contact with.
 - Being recognized for his honesty and candor during UBB family and media briefings.
 - Holding his employees to a high level of standards. Reacting quickly but fairly to remedy behavior and performance issues from his top managers to first level employees.

The manager Exceeds this competency.

Managerial Competency Element 2: Resource Management

Mr. Stricklin's performance in this element directly supports achievement of the Department of Labor's Strategic Goal 2 – Secure Safe and Healthy Workplaces – and Performance Goal – Reduce work-related fatalities, injuries and illnesses in mines.

Mr. Stricklin has displayed an exceptional level of awareness and concern for agency expenditures and financial priorities. He consistently provides guidance and support to the districts and headquarters staff in effectively managing budgetary resources. This is displayed in the following accomplishments.

- **Result 1: Financial Management.** Mr. Stricklin displays an exceptional level of awareness and concern for agency expenditures and financial priorities by:
 - Providing guidance and support to effectively achieve 100% completion.
 - Up until the UBB Disaster, CSMH was on track over cut overtime costs more than in half.
 - Managing a budget of approx 158 million whereby 75% is attributed to payroll, 17% to overhead, 7% to recurring costs leaving CSMH about 1% to deal with unplanned purchases. Because of CSMH's efforts to ensure tight fiscal controls, the program area ended the FY at about \$250k in the red. It was determined that had UBB not occurred, CSMH would have ended the FY in the black.
 - Having monthly budget meetings between Mr. Stricklin's staff and MSHA's Budget Officer. This ensured a transparent operation.
 - His staff conducting quarterly conference calls with each of the 11 Coal Districts, to ensure from bottom up, Coal was managing the needs of the Districts while staying fiscally responsible.
- **Result 2: Talent Management.** Mr. Stricklin displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency by:
 - Offering current employees the opportunity to act in vacant positions to promote talent and growth. Due to the UBB investigations, at the end of the FY, CSMH had approximately 40 – 45 personnel detailed or temporarily promoted into different positions.
 - Actively supporting efforts in the diverse hiring initiative, Federal Inspector Hiring program and the Career Intern Program. In FY 10 CSMH conducted 2 job fairs whereas for CY10 will have conducted job fairs in 5 of the 11 districts. An effort was made this CY to balance the number of job fairs needed to better assist the Human Resources Office will still meeting hiring needs.
- **Result 3: Technology and Modernization.** Mr. Stricklin identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve it priorities by:
 - Participating in the Rules to Live By training development and enhancement of the Inspector IPAL program to have message display during inspection that identifies most frequently cited standards.
 - Continuing to develop in house solutions in order to better track data, examples include enhancements to our overtime database, creating a Rock Dust reporting tool, and developing shared sources of information in order for personnel to share data.
- **Result 4: Leadership Support, Reward & Recognition, Teamwork, Individual Performance.** Mr. Stricklin repeatedly demonstrates ability to link individuals with Departmental and Agency performance requirements by:

- Linking all performance plans under his supervision to the Departmental goals. Allowing districts to reward employees through performance and instant good job awards.
- Recognizing personnel through the Secretary's Honor Award Program.
- **Result 5: Communication and Morale.** Mr. Stricklin fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride, and trust by:
 - Practicing an open door policy and brainstorming sessions empowering employees to share ideas.
 - Developing a climate of providing motivation, participation and opportunities for employee initiative.
 - Immediately and effectively investigating and addressing complaints filed whether it be anonymous, mine operators or other employees through using internal personnel and/or internal departments to maintain integrity of investigation and to ensure fair and unbiased decisions.
 - Personally serving as mediator on EEO complaints in an attempt to resolve issue before they proceeds to next step.
 - Routinely holding conference calls with District personnel to encourage and promote their efforts in support of the Agency's mission.
 - Keeping personnel informed of ongoing issues, visiting Districts and speaking to personnel to continue to encourage their hard work, to talk to employees, especially after a disaster, to ensure that our mission still lives and their contributions count. Mr. Stricklin, along with Secretary Main, held an all employee (MSHA HQ) meeting upon their return from UBB.
 - Recognizing, reacting and implementing a remedy with respect to conduct or performance related issues. In FY10 CSMH issues over 20 types of actions from counselings, oral admonishments confirmed in writing, reprimands, suspensions to terminations. The array of positions from which these actions were taken included secretaries, inspectors, supervisors and managers. These actions crossed 9 of the 11 Districts.
- **Result 6: FLSA Requirement.** Mr. Stricklin consistently applies FLSA and DOL policy regarding overtime by:
 - Ensuring his management personnel was aware of FLSA and how it impacts overtime eligibility and authorization.
 - Mr. Stricklin's staff developed a bullet sheet of definitions, rules, and tips re: FLSA and passed it on to the Coal Field managers.
- **Result 7: Recovery Act.** MSHA was not assigned program responsibilities or funds under the American Recovery and Reinvestment Act; therefore, has no input for this result.
- **Result 8: Recruits Qualified Applicants.** Mr. Stricklin manages with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants by:
 - Actively supporting efforts in the diversity hiring initiative, Federal Inspector Hiring program and the Career Intern Program.
 - Using hiring incentives in hard to fill areas, .e.g. relocation incentive in the Craig, CO area.

The manager Exceeds this competency.

Organization Element Result #1: Reduce the mining Fatality injury incidence rate and the All-injury incidence rate in the nation's mines.

Mr. Stricklin's performance in this element directly supports Outcome Goal 2 – Securing safe and health workplaces and Performance Goal – Reduce work-related fatalities, injuries and illnesses in mines.

Fatal Injury Incidence Rate:

FY 2010 Target: .0117

FY 2010 Result: .0558 *through 3rd qtr*

All Injury Incidence Rate:

FY 2010 Target: 3.85

FY 2010 Result: 3.65 *through 3rd qtr*

- CMSH initiated and has continued to conduct "impact inspections". Directly following the UBB disaster, Coal selected mines that would represent potential explosion hazards. These inspections resulted in 2,071 citations, 187 Orders, 6 Safeguards with an average S&S rate of 45.77%. This program grew into a National program.
- Coal Mine Safety and Health were the sole authors or co-authors on 24 Safety/Health Information Bulletins and Instruction Letters. Examples include Crushing Hazard on Battery-Powered Scoops, Examination of Electrical Underground Coal Mine Equipment, and Inadequate Ventilation.
- There were over 2,600 Special Assessment Reviews conducted.
- There were over 18,000 events opened and over 96,000 citations and orders issued.
- Conducted a number of inspections "blitzes" or "saturation inspections" at egregious offending mines, e.g. Gilliam mine located in District 5 which resulted in 99 citations and orders with 45% being S&S and 2 safe guards.
- CMSH provided representative to serve on the committee for "Rules to Live By" which analyzed historical data to determine the thirteen (11) safety standards most frequently cited as causing or contributing to fatal mining accidents to determine the standards to be targeted. The Inspector IPAL program was enhanced to identify standards cited during an inspection.
- All Coal Authorized Representatives (AR's) completed the Rules To Live By training course.
- Monitoring inspection data and the level of consistency in inspections. Audits were conducted and discrepancies were corrected.
- Excluding the UBB Disaster, CMSH would once again would be on a record setting pace for lowest fatalities.
- Ensured maximum use of resources despite over 40 details and temporary promotion ongoing due to UBB. Also, 3 entry level inspector training classes were started in FY10 and 7 classes graduated.
- Continued to promote consistency in enforcement measures through various means such as managers' meetings and conference calls, review of the inspector training, designating personnel to be a member of the curriculum review committee and training committee.

The manager *exceeds* this competency.

Organization Element Result #2: Reduce the fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicators.

Mr. Stricklin's performance in this element directly supports Outcome Goal 2 – Securing safe and health workplaces and Performance Goal – Reduce work-related fatalities, injuries and illnesses in mines.

- Key Indicator reports were utilized as a management tool in the following:
 - Achieving 100% completion of the mandatory safety and health inspections.
 - Impact inspections and various blitzes or saturation inspections from teams of inspectors from other districts were used to monitor a district's enforcement.
 - The Key Indicator reports continued to indicate that District 4's enforcement activities and that the district is too large. Therefore the push for the split of District 4 continued through FY10.
 - Issued safety alerts, safety flyers, fatality alerts, and various materials to distribute to coal miners such as alerts regarding electrical accidents, roof/rib accidents/fatalities, proximity warnings.
 - Indications of lacking oversight were addressed at the highest levels of the District, to ensure that the District Manager was aware that ultimately he/she was responsible for the expectations he/she put on the district personnel.
 - Ensured that poor performance, misconduct and errors are quickly dealt with, e.g. this FY there was over 20 actions taken against employees. These actions included actions such as termination for pre-notification to suspensions due to failure to following inspection procedures.
 - In order to maximize the availability of enforcement personnel, efforts were made to properly address issues of temporary vs permanent medical inability to perform essential functions.
 - Involved in ongoing safety and health issues and policies. Mr. Stricklin was engaged in the issuance of 24 Safety/Health Information bulletins and Instruction Letters.
 - Directly and through staff contributed to accident prevention and reduction strategies. Mr. Stricklin and staff traveled to districts, various meetings and conferences, Inspector orientations and graduations as well as met with specific mine operators and associations to discuss key initiatives.
 - Reviewed, along with his staff, all fatalities and draft enforcement actions which were contributory to fatal accidents.
 - Indicator reports were reviewed, monitored and analyzed to track individual and district performance, the other natl databases were regularly utilized (time utilization, IPAL uploads, timely citation terminations, etc.).
 - To achieve 100% completion, redistribution of personnel primarily to District 8 and 9 were necessary.

The manager exceeds this competency.

Organization Element Result #3. Decrease by 2% per year from the pervious year's actual performance or target, the percentage of dust and noise samples taken with results that are above the allowable limits.

Mr. Stricklin's performance in this element directly supports Outcome Goal 2 – Securing safe and health workplaces and Performance Goal – Reduce work-related fatalities, injuries and illnesses in mines.

Overexposures to Noise:

FY 2010 Target: 3.94

FY 2010 Result: 2.94 through 3rd qtr

Overexposures to Dust:

FY 2010 Target: 7.63

FY 2010 Result: 7.26 through 3rd qtr

Mr. Stricklin's efforts for achieving this element were:

- Implemented a comprehensive strategy that included rulemaking, enforcement, outreach and education and training through the End Black Lung ACT NOW program which launched in December, 2009, including 4 rollout meetings in WV, PA, VA, and KY.
- Participated in 4 joint NIOSH/MSHA Dust Control Workshops held in WV, AL, IN, and CO.
- CSMH had representatives on the committee that wrote a proposed rule geared to lowering miners' exposure to respirable coal dust. The proposed rule combines prior regulatory actions addressing lowering coal mine dust exposure, single sample, plan verification and the use of continuous personal dust monitors.
- Established two teams of inspection personnel to conduct health inspections, respirable dust sampling and evaluation of dust controls. Mines were selected for inspections based on criteria such as:
 - 1) Difficulty complying with the applicable respirable dust standard.
 - 2) Low-weight Designated Occupation Samples (unreasonable concentration for occupation sampled).
 - 3) High quartz levels in respirable dust.
 - 4) Unreasonable/insufficient dust controls specified in the approved ventilation plan.
 - 5) Operator or MSHA samples not collected during time when unit is producing normal amounts of material (unrepresentative samples of normal mining operations).
- Over the course of the FY, the dust teams inspected 47 mines, collected over 689 valid respirable dust samples and issued 343 citations (199 health, 144 safety).
- Purchased an additional 6 Continuous Personal Dust Monitors. These units provide a real-time display of the respirable dust concentration and are used by Coal field personnel to gain experience in the use of this new technology to evaluate dust exposures and to determine the effectiveness of dust control measures being used by mine operators.

The manager exceeds this competency.

Organization Element Result #4: 1. Use all available tools to reduce and/or eliminate inconsistent; 2. Monitor the Accountability reviews; 3. Open Government; 4. Miners' Voice in the Workplace 5. (COOP) activities; and 6. Regulatory Agenda

Result 1: Inconsistent enforcement.

- CMS&H attained its goal of completing 100% of the mandatory safety and health inspections for FY2010. This is the third year in which CMS&H has reached this accomplishment.
- Continued to monitor inspection data and the level of consistency in inspections. Audits were conducted and discrepancies were corrected.
- Ensured that conferences and contested cases are conducted in accordance with MSHA handbook, policy and procedures.

Result 2: Monitor Accountability

- Continued to monitor and track accountability reviews to ensure compliance with recommendations.
- Ensured that enforcement personnel make mine visits to determine if the level of enforcement was effective and consistent with the conditions and practices in the mine.
- Monitored 105 (c) and 100 cases to ensure they have been timely and thoroughly investigated.

Result 3: Open Government

- Resources were provided to ensure openness, transparency and timely disclosure when responding to all FOIA's.
- Although inundated with FOIAs after UBB, was able to complete 37 requests.

Result 4: Voice in the Workplace

- Assisted with the development of MSHA Miners' Rights handbook. Information was provided on-line for miners to be able to recognize hazards and through a toll free telephone number for miners to notify MSHA of hazardous conditions and for miners to remain anonymous, to avoid discriminatory actions by mine operator. Miners' Rights has been added to the training curriculum for Journeyman Training.
- Issued through a memo to all District Managers requirements and the importance of the role played by miners' representatives during inspections and investigations.
- Investigated approximately 1208 hazardous condition complaints. Of those complaints with a final determination, 404 of 1183 (34%) resulted in a determination of positive findings.

Result 5: COOP Activities

- Provided support to COOP activities in coordination with DOL.

Result 6: Regulations

- Provided resources to participate and provide expertise on agency regulatory committees for the Dust Rule
- Had an active role in the April, 2010, the final rule for 30 CFR Parts 18, 74, and 75 Coal Mine Dust Sampling Devices; High-Voltage Continuous Mining Machine Standard for Underground Coal Mines.
- Had an active role in the September, 2010, publishing of the Emergency Temporary Standard for Maintenance of Incombustible Content of Rock Dust in Underground Coal

The manager exceeds this competency.

Stricklin, Kevin

ATTACHMENT 2: FY2010 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

Managerial Competency Element: Leadership

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. Demonstrates an understanding of the Agency's performance indicators. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. Encourages, promotes, and supports innovative strategies among subordinates. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> An effective problem solver. Recognizes innovation. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Effectively represents the Department and the organization Internally and externally. <ul style="list-style-type: none"> Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters Internal and external to the agency. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Serves as an effective representative of his/her immediate agency/office. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

Sticklin, Kevin

ATTACHMENT 2: FY2010 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 4: Promotes and maintains a diverse and inclusive workforce. <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 	Diversity	<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 5: Anticipates and meets the needs of clients/customers to provide better service. <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 7: Demonstrates integrity and adheres to the highest ethical standards of public service.	Ethics	PASS/FAIL Standard Pass <input checked="" type="checkbox"/> Fail <input type="checkbox"/>			

N/R = Not Rated

2

Stricklin, Kevin
 ATTACHMENT 2: FY2010 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	R
<input type="checkbox"/>	<p>Result 1: Understands the organization's financial processes.</p> <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs.</p> <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input checked="" type="checkbox"/> 	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input type="checkbox"/> 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

3

Stacklin, Kevin
ATTACHMENT 2: FY2010 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 3: Understands the impact of technological developments on the organization. <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 4: Links individual performance requirements to key organizational goals. <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance. 	Leadership Support Reward & Recognition Teamwork Individual Performance	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	PASS/FAIL Standard Pass <input checked="" type="checkbox"/> Fail <input type="checkbox"/>			

Stricklin, Kevin

ATTACHMENT 2: FY2010 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/> <p>Result 7: Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of <i>Good Jobs for Everyone</i>.</p> <ul style="list-style-type: none"> Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plan for Departmental Management of Funds in the American Recovery and Reinvestment Act." Complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization. 	<p>American Recovery and Reinvestment Act</p>	<p>(To be established at the Agency level.) <input type="checkbox"/></p>	<p>(To be established at the Agency level.) <input type="checkbox"/></p>	<p>(To be established at the Agency level.) <input type="checkbox"/></p>	<p><input type="checkbox"/></p>	
<input type="checkbox"/> <p>Result 8: Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.</p>	<p>Hiring/Diversity</p>	<ul style="list-style-type: none"> Manages with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <p><input type="checkbox"/></p>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	<p><input type="checkbox"/></p>	

N/R = Not Rated

Kevin G. Stricklin
Rating of Record: Exemplary
Narrative Justification and
Justification for Bonus Greater than 10% of Salary

As the Director of MSHA's Coal Mine Safety and Health program overseeing 11 Districts 44 field offices nationwide, Mr. Stricklin is a leader in carrying out the Department of Labor's Strategic Goal to Secure Safe and Healthy Workplaces. Mr. Stricklin was the face of MSHA to the nation and the world following the Upper Big Branch (UBB) mine explosion on April 5, 2010 – a tragedy that represented the worst mining disaster in more than a generation. The physical, logistical, and emotional burden of UBB is difficult to imagine. In the immediate aftermath of the Upper Big Branch tragedy, President Obama asked Secretary Solis, Assistant Secretary Main, and Kevin Stricklin to lead an investigation into what caused the explosion at Massey Energy Company's Upper Big Branch mine. Mr. Stricklin was among the DOL officials that briefed the President on the preliminary findings of the investigation. After the briefing, the President directed Secretary Solis, Assistant Secretary Main, and Administrator Stricklin to work closely with state mining officials to press ahead with the investigation.

Mr. Stricklin's commitment to excellence and his steady approach were particularly important as he provided invaluable, extensive support to the Office of the Inspector General (OIG) in its investigation of the MSHA Pattern of Violation (POV) process. Published on September 29, 2010, the OIG audit report contains 10 recommendations, and Mr. Stricklin will be a key leader in implementing the POV reforms. He also has been instrumental in ensuring that MSHA met its statutory 100% coal mine inspection mandate.

Despite the enormous personal drain of the UBB tragedy, Mr. Stricklin's knowledge, compassion, credibility, and direct, no-nonsense approach to obtaining and providing critically important information in a clear and sensitive manner were invaluable to MSHA, the Department, and the country. His exemplary leadership provides an example for others and is well deserving of a performance bonus in excess of 10 percent.

Narrative Justification of additional compensation up to 5% of the executive's other wise appropriate bonus in support of one or more of the eight (8) Departmental initiatives enumerated in the September 23, 2010 *Guidance on Fiscal year 2010 Compensation Plan Options*

(5) Working the Upper Big Branch Mine disaster

On April 5, 2010, the Mine Safety and Health Administration (MSHA) received a report that a mine accident occurred at the Upper Big Branch (UBB) Mine in West Virginia. Twenty-nine miners were reported missing. Officials in the Department of Labor and MSHA were notified of the mine accident. At the same time, news of the accident was broadcast through media outlets domestically and internationally, garnering high profile attention. Mr. Stricklin became the primary face and voice of the Agency to the nation and world as the rescue/recovery progressed. In the aftermath of the explosion, MSHA's actions, prior to and after the disaster, resulted in increased scrutiny by the public, media, Congress and Department of Labor's Office of the Inspector General. Mr. Stricklin continues to be actively engaged in speaking to the families, keeping the Department and Congress updated on the progress of the investigations.

A cross-agency response was immediately initiated by deploying personnel and equipment critical to the Upper Big Branch rescue, recovery and communication efforts. Command centers in Arlington, VA and at the Upper Big Branch Mine were established as the hubs for these efforts. MSHA employees from across the country were deployed to assist with 24/7 mine emergency operations in primary and support functions. In the immediate months after the explosion to the conclusion of the MSHA mine rescue team completing the exploration and re-ventilation of the Upper Big Branch mine on June 24, 2010, MSHA received a barrage of requests for information and data, including media, Freedom of Information Act, Office of the Inspector General and Department of Justice requests, as well as numerous questions from within the Department of Labor and members of Congress. This cross-agency collaboration resulted in informed decision-making and timely responses. The agency continues to receive and respond to information requests.

Standard Form 50

Rev 7/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date		
FIRST ACTION					SECOND ACTION					
5-A Code 702		5-B Nature of Action Promotion			6-A Code		6-B Nature of Action			
5-C Code N6M		5-D Legal Authority Reg 335 102 Career Prom			6-C Code		6-D Legal Authority			
5-E Code		5-F Legal Authority			6-E Code		6-F Legal Authority			
7 FROM Position Title and Number MINE SAFETY AND HEALTH SPECIALIST (ROOF CONTROL) Job Code (PD) L00348					15 TO Position Title and Number MINE SAFETY AND HEALTH SPECIALIST (ROOF CONTROL) Job Code (PD) L00349					
8 Pay Plan GS		9 Occ Code 1822		10 Grade or Lvl 13		11 Step or Rate 04		12 Total Salary		
13 Pay Basis PA		14 Basic Pay		15 Locality Adj		16 Adj Basic Pay		17 Other Pay		
18 Basic Pay		19 Locality Adj		20 Adj Basic Pay		21 Other Pay		22 Total Salary/Award		
14 Name and Location of Position Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL SAFETY DIVISION, ARLINGTON COAL SAFETY DIV, SAFETY SERVICE GRP					22 Name and Location of Position Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL SAFETY DIVISION, ARLINGTON COAL SAFETY DIV, SAFETY SERVICE GRP					
EMPLOYER DATA										
23 Veterans Preference 2 1 None 2-3 Point 3 10 Point/Disability 4 10 Point/Competable 5 10 Point/Other 6-10 Point/Competable/30%					24 Tenure 1 0-None 1 Permanent 2-Conditional 3-Indefinite		25 Agency Use		26 Veterans Preference for RIF X YES NO	
27 FEGLI Z1 Basic + Option B (5x) + Option A + Option C (1x)					28 Annuity Indicator 9 Not Applicable		29 Pay Rate Determinant 0		30 Retirement Plan K FERS and FICA	
31 Service Comp Date (Leave) 04-19-1989					32 Work Schedule F Full Time		33 Part Time Hours Per Biweekly Pay Period			
POSITION DATA										
34 Position Occupied 1 1 Competitive Service 2 Excepted Service 3-SES General 4-SES Career Reserved					35 PLSA Category E E-Exempt N Nonexempt		36 Appropriation Code R103Q3AK000001101000		37 Bargaining Unit Status 0010	
38 Duty Station Code 510100013					39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA					
40 Agency Data		41		42		43		44 PAR Number C-HQ-03-55		
45 Remarks - Previously competed for announcement MSHA 03-015AA - Merit Staffing Exception - Career Ladder Promotion - This position is inside the bargaining unit - Local 12 - Position is at the full performance level										
46 Employing Department or Agency U.S. Department of Labor					50 Signature/Authentication and Title of Approving Official Joseph H. Sumner HUMAN RESOURCES OFFICER					
47 Agency Code DLMS		48 Personnel Office ID 4155		49 Approval Date 05-29-2003						

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Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) THOMAS, CHARLES JAMES				2. Social Security Number		3. Date of Birth		4. Effective Date			
FIRST ACTION						SECOND ACTION					
5-A. Code 542		5-B. Nature of Action CONV TO SES CAREER APPT				6-A. Code		6-B. Nature of Action			
5-C. Code V2M		5-D. Legal Authority 5 USC 3393				6-C. Code		6-D. Legal Authority			
5-E. Code		5-F. Legal Authority				6-E. Code		6-F. Legal Authority			
7. FROM: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY 00005616 L00499						15. TO: Position Title and Number DEP ADMIN FOR COAL MINE SAFETY AND HEA DLES0504 ES0504					
8. Pay Plan GS	9. Occ. Code 0340	10. Grade/Level 15	11. Step/Rate 05	12. Total Salary	13. Pay Basis PA	16. Pay Plan ES	17. Occ. Code 1822	18. Grade/Level 00	19. Step/Rate 00	20. Total Salary/Award	21. Pay Basis PA
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay .00		20A. Basic Pay		20B. Locality Adj. .00	
12E. Other Pay		12F. Other Pay		12G. Other Pay		20C. Adj. Basic Pay		20D. Other Pay .00		20E. Other Pay	
14. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFFICE OF ACCOUNTABILITY						22. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C DL MI1010600000000000 PP 20 2010					
EMPLOYEE DATA						24. Tenure					
23. Veterans Preference 2 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/20%						24. Tenure 0 0 - None 1 - Conditional 2 - Permanent 3 - Indefinite					
25. Agency Use						26. Veterans Preference for RIF X YES NO					
27. FEGLI Z5 BASIC-STANDARD-5X ADDITIONAL-5X FAM						28. Annuitant Indicator 9 NOT APPLICABLE					
30. Retirement Plan K FERS AND FICA						31. Service Comp. Date (Leave) 04/19/89					
32. Work Schedule F FULL TIME						33. Pay Rate Determinant 0					
POSITION DATA						35. FLSA Category					
34. Position Occupied 3 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career Reserved						35. FLSA Category E E - Exempt N - Nonexempt					
36. Appropriation Code						37. Bargaining Unit Status 8888					
38. Duty Station Code 51-0100-013						39. Duty Station (City - County - State or Overseas Location) ARLINGTON ARLINGTON VA					
40. Agency Data		41.		42.		43.		44.			

45. Remarks

Veteran preference is not applicable to the Senior Executive Service.
Subject to satisfactory completion of one year SES probationary period beginning 09/26/2010.
Tenure as used for 5 U.S.C. 3502 is not applicable to the Senior Executive Service.

46. Employing Department or Agency DEPARTMENT OF LABOR			50. Signature/Authentication and Title of Approving Official BROOKE L. BREWER DIRECTOR, OFFICE OF EXEC RESOURC		
47. Agency Code DL MI	48. Personnel Office ID 4155	49. Approval Date 09/18/10			

5-Part 50-316

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Standard Form 50

Rev 7/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date		
FIRST ACTION					SECOND ACTION					
5-A Code 702		5-B Nature of Action Promotion			6-A Code		6-B Nature of Action			
5-C Code N3M		5-D Legal Authority Reg 335 102 Comp			6-C Code		6-D Legal Authority			
5-E Code		5-F Legal Authority			6-E Code		6-F Legal Authority			
7 FROM Position Title and Number MINE SAFETY AND HEALTH SPECIALIST (ROOF CONTROL) Job Code (PD) L00349					15 TO Position Title and Number SUPERVISORY MINE SAFETY AND HEALTH SPECIALIST Job Code (PD) L00299					
8 Pay Plan GS		9 Occ Code 1822		10 Grade or Lvl 14		11 Step or Rate 03		12 Total Salary PA		
12A Basic Pay		12B Locality Adj		12C Adj Basic Pay		12D Other Pay \$0				
16 Pay Plan GS					17 Occ Code 1822		18 Grade or Lvl 15		19 Step or Rate 01	
20A Basic Pay		20B Locality Adj		20C Adj Basic Pay		20D Other Pay \$0				
22 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL, HEALTH DIVISION, ARLINGTON					23 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL COAL, HEALTH DIVISION, ARLINGTON					
EMPLOYEE DATA										
24 Veterans Preference 2 1 None 2-5 Point 3 10 Point/Disability 4-10 Point/Compensable 5 10 Point/Other 6-10 Point/Compensable/50%				25 Agency Use 1 0-None 1 Permanent 2 Conditional 3 Indefinite		26 Veterans Preference for RIF X YES NO				
27 FEGLI Z1 Basic + Option B (5x) + Option A + Option C (1x)				28 Annuity Indicator 9 Not Applicable		29 Pay Rate Determinant 0				
30 Retirement Plan K FERS and FICA				31 Service Comp Date (Leave) 04-19-1989		32 Work Schedule F Full Time		33 Part-Time Hours Per Biweekly Pay Period		
POSITION DATA										
34 Position Occupied 1 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved				35 FLSA Category E E-Exempt N Nonexempt		36 Appropriation Code R102Q3AK000001101000		37 Bargaining Unit Status 8888		
38 Duty Station Code 510100013				39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA						
40 Agency Data 41		42		43		44 PAR Number				
45 Remarks - This position is outside the bargaining unit - Selected from MSHA-05-079-MP dated 07-16-2005 - Position is at the full performance level										
46 Employing Department or Agency U.S. Department of Labor					47 Signature/Authentication and Title of Approving Official Joseph H Stormer HUMAN RESOURCES OFFICER					
47 Agency Code DLMS		48 Personnel Office ID 4155		49 Approval Date 08-16 2005						

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Standard Form 50

Rev. 7/91

U.S. Office of Personnel Management

Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date		
FIRST ACTION					SECOND ACTION					
5-A Code 931		5-B Nature of Action Extension of Detail NTE 09-04-2009			6-A Code		6-B Nature of Action			
5-C Code VSM		5-D Legal Authority 5 U.S.C. 3341 Unclass			6-C Code		6-D Legal Authority			
5-E Code		5-F Legal Authority			6-E Code		6-F Legal Authority			
7 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499					15 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): LU0480					
8 Pay Plan GS		9 Org. Code 0340		10 Grade or Lvl 15		11 Step or Rate 04		12 Total Salary		
13 Pay Basis PA		16 Pay Plan GS		17 Org. Code 0340		18 Grade or Lvl 15		19 Step or Rate 04		
20 Total Salary Award		21 Pay Basis PA		22 Total Salary		23 Pay Basis		24 Other Pay		
12A Basic Pay		12B Locality Adj.		12C Adj. Basic Pay		12D Other Pay		20A Basic Pay		
20B Locality Adj.		20C Adj. Basic Pay		20D Other Pay		20E Locality Adj.		20F Adj. Basic Pay		
14 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY					22 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL					
EMPLOYEE DATA										
23 Veterans Preference 2 1-None 3-10 Point Disability 5-10 Point/Other 6-10 Point/Compensable-10%					24 Tenure 1 0-None 2-Conditional 3-Indefinite		25 Agency Use		26 Veterans Preference for RIF X YES NO	
27 FEOL Z5 Basic + Option B (5x) + Option A + Option C (5x)					28 Absentee Indicator 9 Not Applicable		29 Pay Rate Determinant 0		30 Pay Rate	
30 Retirement Plan K FERS and FICA					31 Service Comp. Date (Leave) 04-19-1989		32 Work Schedule F Full Time		33 Part-Time Hours Per Biweekly Pay Period	
POSITION DATA										
34 Position Occupied 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved					35 FLRA Category E E-Exempt M-None exempt		36 Appropriation Code R007Q3AD000001101000		37 Bargaining Unit Status 8888	
38 Duty Station Code S10100013					39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA					
40 Agency Data 41 42 43 44		PAR Number C-HQ-09-92								
45 Remarks										
46 Employing Department or Agency U.S. Department of Labor										
47 Agency Code DLMS										
48 Personnel Office LT 4155										
49 Approval Date 07-08-2009										
50 Signature/Authentication and Title of Approving Official DENISE R MCGANN HUMAN RESOURCES OFFICER										

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Standard Form 50

Rev 7/91

U.S. Office of Personnel Management

Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date			
5-A Code 930				5-B Nature of Action Detail NTE 08-09-2009				6-A Code		6-B Nature of Action	
5-C Code VSM				5-D Legal Authority 5 U.S.C. 3341 Unclass				6-C Code		6-D Legal Authority	
5-E Code				5-F Legal Authority				6-E Code		6-F Legal Authority	
7 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499						15 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480					
8 Pay Plan		9 Occ. Code		10 Grade or Lvl		11 Step or Rate		12 Total Salary		13 Pay Base	
16 Pay Plan		17 Occ. Code		18 Grade or Lvl		19 Step or Rate		20 Total Salary/Award		21 Pay Base	
12A Basic Pay		12B Locality Adj		12C Adj Basic Pay		12D Other Pay		22A Basic Pay		22B Locality Adj	
20C Adj Basic Pay		20D Other Pay		23A Basic Pay		23B Locality Adj		23C Adj Basic Pay		23D Other Pay	
14 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY						22 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL					
23 Veterans Preference						24 Tenure		25 Agency Use		26 Veterans Preference for RIF	
2		1-None 2 5 Point		3-10 Point/Disability 4-10 Point/Compensable		5-10 Point/Other 6-10 Point/Compensable/10%		1		0-None 1-Permanent 2-Conditional 3-Indefinite	
27 FEGLI		Z5		Basic + Option B (5x) + Option A + Option C (5x)		9		Not Applicable		29 Pay Rate Determinant	
30 Retirement Plan		K		FERS and FICA		31 Service Comp. Date (Leave)		04-19-1989		32 Work Schedule	
F		Full Time		33 Part Time Hours Per Biweekly Pay Period		33		0		33	
34 Position Occupied				35 FLSA Category				36 Appropriation Code			
1		1-Compensable Service 2-Excepted Service		3-SES General 4-SES Career Reserved		E		E Exempt N-Nonexempt		RU07Q3AD000001101000	
37 Bargaining Unit Status				8888				38 Duty Station Code			
510100013				39 Duty Station (City-County State or Overseas Location)				ARLINGTON Arlington VA USA			
40 Agency Data		41		42		43		44		PAR Number: C-HQ-09-59	
45 Remarks - This is a detail to unclassified duties not to exceed 120 days.											
46 Employing Department or Agency U.S. Department of Labor						50 Signature/Authentication and Title of Approving Official					
47 Agency Code		48 Personnel Office ID		49 Approval Date		DENISE R MCGANN HUMAN RESOURCES OFFICER					
DLMS		4155		05-11-2009							

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Standard Form 50

NOTIFICATION OF PERSONNEL ACTION

Rev 7/91
U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date			
5-A Code 931		5-B Nature of Action Extension of Detail NTE 04-07-2010		6-A Code		6-B Nature of Action					
5-C Code VSM		5-D Legal Authority 5 U.S.C. 3341 Unclass		6-C Code		6-D Legal Authority					
5-E Code		5-F Legal Authority		6-E Code		6-F Legal Authority					
7 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				15 TO Position Title and Number ACTING DEPT ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480							
8 Pay Plan	9 Occ Code	10 Grade or Lvl	11 Step or Rate	12 Total Salary	13 Pay Base	16 Pay Plan	17 Occ Code	18 Grade or Lvl	19 Step or Rate	20 Total Salary Award	21 Pay Base
14 Name and Location of From Office/Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY					16 Name and Location of To Office/Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL						
23 Veterans Preference 2 1-None 2-1 Point 3-10 Point/Disability 4-10 Point/Compensable 5-10 Point/Other 6-10 Point/Compensable/30%				24 Tenure 1 0-None 1-Permanent 2-Conditional 3-Indefinite		25 Agency Use		26 Veterans Preference for RIF X YES NO			
27 FEGLI Z5 Basic + Option B (5x) + Option A + Option C (5x)				28 Annuity Indicator 9 Not Applicable		29 Pay Rate Determinant 0					
30 Retirement Plan K FERS and FICA			31 Service Comp. Date (Leave) 04-19-1989		32 Work Schedule F Full Time		33 Part-Time Hours Per Biweekly Pay Period				
34 Position Occupied 1 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved			35 FLSA Category E E Exempt N-Nonexempt		36 Appropriation Code R007Q3AD000001101000			37 Bargaining Unit Status 8888			
38 Duty Station Code 510100013			39 Duty Station (City/County/State or Overseas Location) ARLINGTON Arlington VA USA								
40 Agency Data		41	42	43	44 PAR Number:						
45 Remarks											
46 Employing Department or Agency U.S. Department of Labor					48 Signature/Authentication and Title of Approving Official NANCY J. WILSON HUMAN RESOURCES OFFICER						
47 Agency Code DLMS		49 Personnel Office ID 4155		49 Approval Date 02-23-2010							

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NOTIFICATION OF PERSONNEL ACTION

Rev. 7/91
U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date	
5-A Code 931									
5-B Nature of Action Extension of Detail NIE				10-08-2009		6-A Code			
5-C Code VSM				5-D Legal Authority 5 U.S.C. 3341 Unclass		6-B Nature of Action			
5-E Code				5-F Legal Authority		6-C Code			
5-G Code				5-H Legal Authority		6-D Code			
7 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				15 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480					
8 Pay Plan		9 Org. Code		10 Grade or Lvl		11 Step or Rate		12 Total Salary	
13 Pay Basis		14 Pay Plan		15 Org. Code		16 Grade or Lvl		17 Step or Rate	
18 Total Salary Award		19 Pay Basis		20 Total Salary		21 Pay Basis		22 Total Salary	
12A Basic Pay		12B Locality Adj		12C Adj. Basic Pay		12D Other Pay		12E Basic Pay	
12F Locality Adj		12G Adj. Basic Pay		12H Other Pay		12I Basic Pay		12J Locality Adj	
12K Adj. Basic Pay		12L Other Pay		12M Basic Pay		12N Locality Adj		12O Adj. Basic Pay	
12P Other Pay		12Q Basic Pay		12R Locality Adj		12S Adj. Basic Pay		12T Other Pay	
14 Name and Location of Person's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY					14 Name and Location of Person's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL				
23 Veterans Preference 2 1-None 2-5 Point 3-10 Points/Disability 4-10 Points/Compensable 5-10 Points/Other 6-10 Points/Compensable/10%					24 Tenure I 0-None 1-Permanent 2-Conditional 3-Indefinite				
25 Agency Use					26 Veterans Preference for RIF X YES NO				
27 FEGLI 25 Basic : Option B (5x) : Option A : Option C (5x)					28 Annuity Indicator 9 Not Applicable				
29 Pay Rate Determinant 0					30 Retirement Plan K FERS and FICA				
31 Service Comp Date (Leave) 04-19-1989					32 Work Schedule F Full Time				
33 Part-Time Hours Per Biweekly Pay Period					34 Position Occupied 1 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved				
35 FLSA Category E Exempt N-Nonexempt					36 Appropriation Code R007Q3AD000001101000				
37 Bargaining Unit Status 8888					38 Duty Station Code 510100013				
39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA					40 Agency Data 41 42 43 44				
45 Remarks					PAR Number:				
46 Employing Department or Agency U.S. Department of Labor					47 Signature/Authentication and Title of Approving Official DENISE R. MCGANN HUMAN RESOURCES OFFICER				
48 Agency Code DLMS					49 Personnel Office ID 4155				
50 Approval Date 08-11-2009					51				

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NOTIFICATION OF PERSONNEL ACTION

Rev 7/91
U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

1 Name (Last, First, Middle) Thomas, Charles James		2 Social Security Number		3 Date of Birth		4 Effective Date	
5-A Code 931		5-B Nature of Action Extension of Detail NTE 10-03-2010		6-A Code		6-B Nature of Action	
5-C Code VSM		5-D Legal Authority 5 U.S.C. 3341 Unclass		6-C Code		6-D Legal Authority	
5-E Code		5-F Legal Authority		6-E Code		6-F Legal Authority	
7 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499				15 TO Position Title and Number UNCLASSIFIED DUTIES Job Code (PD): UNCLAS			
8 Pay Plan		9 Occ Code		10 Grade or Lvl		11 Step or Rate	
12 Total Salary		13 Pay Band		16 Pay Plan		17 Occ Code	
18 Grade or Lvl		19 Step or Rate		20 Total Salary Award		21 Pay Band	
12A Basic Pay		12B Locality Adj		12C Adj Basic Pay		12D Other Pay	
12EA Basic Pay		12EB Locality Adj		12EC Adj Basic Pay		12ED Other Pay	
14 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY				22 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL			
23 Veterans Preference 2 1-None 2-5 Point 3-10 Point/Disability 4-10 Point/Compensable 5-10 Point/Other 6-10 Point/Compensable/10%		24 Tenure 1 0-None 1-Permanent 2-Conditional 3-Indefinite		25 Agency Use		26 Veterans Preference for RIF X YES NO	
27 FEOL Z3 Basic + Option B (5x) + Option A + Option C (5x)		28 Annuitant Indicator 9 Not Applicable		29 Pay Rate Determinant 0		30 Retirement Plan K FERS and FICA	
31 Service Comp Date (Leave) 04-19-1989		32 Work Schedule 1 Full time		33 Part-time Hours Per Biweekly Pay Period		34 Position Occupied 1 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved	
35 FLSA Category E E Exempt N-Nonexempt		36 Appropriation Code R007Q3AD000001101000		37 Bargaining Unit Status 8888		38 Duty Station Code 510100013	
39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA		40 Agency Data 41 42 43 44 PAR Number		45 Remarks		46 Employing Department or Agency U.S. Department of Labor	
47 Agency Code DLMS		48 Personnel Office ID 4155		49 Approval Date 06-04-2010		50 Signature/Authentication and Title of Approving Official NANCY J. WILSON ACTING HUMAN RESOURCES OFFICER	

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U.S. Office of Personnel Management
Guide to Processing Personnel Actions, Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James				2 Social Security Number		3 Date of Birth		4 Effective Date	
5-A Code 931		5-B Nature of Action Extension of Detail NTE 10-08-2009				6-A Code		6-B Nature of Action	
5-C Code VSM		5-D Legal Authority 5 U.S.C. 3341 Unclass				6-C Code		6-D Legal Authority	
5-E Code		5-F Legal Authority				6-E Code		6-F Legal Authority	
7 FROM Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499						15 TO Position Title and Number ACTING DEP ADMINISTRATOR FOR COAL MINE SAFETY & HEALTH Job Code (PD): L00480			
8 Pay Plan		9 Occ. Code		10 Grade or Lvl		11 Step or Rate		12 Total Salary	
13 Pay Base		16 Pay Plan		17 Occ. Code		18 Grade or Lvl		19 Step or Rate	
20 Total Salary Award		21 Pay Base							
12A Basic Pay		12B Locality Adj.		12C Adj. Basic Pay		12D Other Pay		20A Basic Pay	
20B Locality Adj.		20C Adj. Basic Pay		20D Other Pay					
14 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY						22 Name and Location of Position's Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFC OF THE ADMINISTRATOR FOR COAL			
23 Veterans Preference 2 1 None 2 4 Point 3 10 Point/Disability 4 10 Point/Compensable 5 10 Point/Other 6 10 Point/Compensable/10%				24 Tenure 1 0-None 1-Permanent 2-Conditional 3-Indefinite		25 Agency Use		26 Veterans Preference for RIF X YES NO	
27 FEGLI Z5 Basic + Option B (5x) + Option A + Option C (5x)				28 Annuity Indicator 9 Not Applicable		29 Pay Rate Determinant 0			
30 Retirement Plan K FERS and FICA				31 Service Comp. Date (Leave) 04-19-1989		32 Work Schedule F Full Time		33 Part-Time Hours Per Biweekly Pay Period	
34 Position Occupied 1 1-Competitive Service 2-Excepted Service 3-SES General 4-SES Career Reserved				35 FLSA Category E E-Exempt N-Nonexempt		36 Appropriation Code R007Q3AD000001101000		37 Bargaining Unit Status 8888	
38 Duty Station Code 510100013				39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA					
40 Agency Data		41		42		43		44 PAR Number.	
45 Remarks									
46 Employing Department or Agency U.S. Department of Labor						50 Signature/Authentication and Title of Approving Official DENISE R. MCGANN HUMAN RESOURCES OFFICER			
47 Agency Code DLMS		48 Personnel Office ID 4155		49 Approval Date 08-11-2009					

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Standard Form 50

Rev 7/91

U.S. Office of Personnel Management
Guide to Processing Personnel Actions Chapter 4

NOTIFICATION OF PERSONNEL ACTION

1 Name (Last, First, Middle) Thomas, Charles James		2 Social Security Number		3 Date of Birth		4 Effective Date	
FIRST ACTION				SECOND ACTION			
5-A Code 932		5-U Nature of Action Termination of Detail		6-A Code		6-B Nature of Action	
5-C Code VLM		5-U Legal Authority 5 U.S.C. 3341		6-C Code		6-D Legal Authority	
5-E Code		5-F Legal Authority		6-E Code		6-F Legal Authority	
7 FROM: Position Title and Number ACTING DEP ADMIN FOR COAL Job Code (PD): UNCLAS				15 TO: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499			
8 Pay Plan		9 Org. Code		10 Grade or Lvl		11 Step or Rate	
12 Total Salary		13 Pay Basis		16 Pay Plan		17 Org. Code	
18 Grade or Lvl		19 Step or Rate		20 Total Salary/Award		21 Pay Basis	
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay	
20A. Basic Pay		20B. Locality Adj.		20C. Adj. Basic Pay		20D. Other Pay	
17 FROM: Position Title and Number Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL				15 TO: Position Title and Number Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY			
EMPLOYEE DATA							
23 Veterans Preference 2		1-None 2-5 Points		3-10 Points/Disability 4-10 Points/Compensable		5-10 Points/Other 6-10 Points/Compensable/30%	
24 Tenure 1		0-None 1-Permanent		2-Conditional 3-Indefinite		25 Agency Use	
26 Veterans Preference for RIF X YES		NO		27 FEGLI ZS		28 Assistant Indicator 9 Not Applicable	
29 Pay Rate Determinant 0		30 Retirement Plan K FERS and FICA		31 Service Comp. Rate (Leave) 04-19-1989		32 Work Schedule F Full Time	
33 Part-Time Hours Per Bi-weekly Pay Period		POSITION DATA					
34 Position Occupied 1		1-Competitive Service 2-Excepted Service		3-SES General 4-SES Career Reserved		35 FLSA Category E E-Exempt N-Nonexempt	
36 Appropriation Code R007Q3AD000001101000		37 Bargaining Unit Status					
38 Duty Station Code 510100013		39 Duty Station (City-County-State or Overseas Location) ARLINGTON Arlington VA USA					
40 Agency Data 41		42		43		44. PAR Number	
45 Remarks							
46 Employing Department or Agency U.S. Department of Labor				50 Signature/Authentication and Title of Approving Official NANCY J. WILSON ACTING HUMAN RESOURCES OFFICER			
47 Agency Code DLMS		48 Personnel Office ID 4155		49 Approval Date 10-07-2010			

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1. Name (Last, First, Middle) Thomas, Charles James		2. Social Security Number		3. Date of Birth		4. Effective Date	
FIRST ACTION				SECOND ACTION			
5-A Code 932		5-B Nature of Action Termination of Detail		6-A Code		6-B Nature of Action	
5-C Code VLM		5-D Legal Authority 5 U.S.C. 3341		6-C Code		6-D Legal Authority	
5-E Code		5-F Legal Authority		6-E Code		6-F Legal Authority	
7. FROM: Position Title and Number ACTING DEP ADMIN FOR COAL Job Code (PD): UNCIAS				15. TO: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY Job Code (PD): L00499			
8. Pay Plan 9. Occ. Code 10. Grade or Lvl 11. Step or Rate 12. Total Salary				13. Pay Basis 16. Pay Plan 17. Occ. Code 18. Grade or Lvl 19. Step or Rate 20. Total Salary/Award 21. Pay Basis			
12A. Basic Pay		11B. Locality Adj		12C. Adj. Basic Pay		12D. Other Pay	
12A. Basic Pay		11B. Locality Adj		12C. Adj. Basic Pay		12D. Other Pay	
14. FROM: Basic Location of Position & Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF THE ADMINISTRATOR FOR COAL				16. TO: Basic Location of Position & Organization Mine Safety and Health Administration OFFICE OF THE ASSISTANT SECRETARY OFFICE OF ACCOUNTABILITY			
EMPLOYEE DATA				EMPLOYEE DATA			
23. Veterans Preference 2 1-None 3-10 Point/Disability 5-10 Point/Other 2-3 Point 4-10 Point/Compensable 6-10 Point/Compensable/30%				24. Tenure 1 0-None 2-Conditional 3-Indefinite 1-Permanent			
27. FEGLI Z5 Basic + Option B (5x) + Option A + Option C (5x)				28. Annuity Indicator 9 Not Applicable			
30. Retirement Plan K FERS and FICA				31. Service Comp. Date (Leave) 04-19-1989			
32. Work Schedule F Full Time				33. Pay Rate Determinant 0			
34. Position Occupied I 1-Competitive Service 3-SES General 2-Excepted Service 4-SES Career Reserved				35. FLSA Category E E-Exempt N-Nonexempt			
36. Appropriation Code R007Q3AD000001101000				37. Bargaining Unit Status			
38. Duty Station Code 510100013				39. Duty Station (City/County/State or Overseas Location) ARLINGTON ARLINGTON VA USA			
40. Agency Data 41 42 43 44		45. Remarks		PAR Number			
46. Employing Department or Agency U.S. Department of Labor				50. Signature/Authentication and Title of Approving Official NANCY J. WILSON ACTING HUMAN RESOURCES OFFICER			
47. Agency Code DLMS		48. Personnel Office ID 4155		49. Approval Date 10-07-2010			

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Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 294-13, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle) THOMAS, CHARLES JAMES				2. Serial/Candidate Number		3. Date of Birth		4. Effective Date							
FIRST ACTION					SECOND ACTION										
5-A. Code 542		5-B. Nature of Action CONV TO SES CAREER APPT			6-A. Code		6-B. Nature of Action								
5-C. Code V2M		5-D. Legal Authority 5 USC 3393			6-C. Code		6-D. Legal Authority								
5-E. Code		5-F. Legal Authority			6-E. Code		6-F. Legal Authority								
7. FROM: Position Title and Number DIRECTOR, OFFICE OF ACCOUNTABILITY 00005616 L00499					15. TO: Position Title and Number DEP ADMIN FOR COAL MINE SAFETY AND HEA DLES0504 ES0504										
8. Pay Plan	9. Occ. Code	10. Grade/Level	11. Step/Rate	12. Total Salary	13. Pay Basis	16. Pay Plan	17. Occ. Code	18. Grade/Level	19. Step/Rate	20. Total Salary/Award	21. Pay Basis				
12A. Basic Pay		12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay		20A. Basic Pay		20B. Locality Adj.		20C. Adj. Basic Pay		20D. Other Pay	
14. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFFICE OF ACCOUNTABILITY					22. Name and Location of Position's Organization MINE SAFETY AND HEALTH ADMINISTRATION OFFICE OF THE ASSISTANT SECRET OFC OF THE ADMINISTRATOR FOR C DL M10106000000000000 PP 20 2010										
EMPLOYEE DATA					24. Tenure		25. Agency Use		26. Veterans Preference for RIF						
23. Veterans Preference 2 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 15-Point/Compensable 6 - 10-Point/Compensable/50%					0 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite				X YES NO						
27. FEGLI ZS BASIC-STANDARD-SX ADDITIONAL-SX FAM					28. Annuitant Indicator 9 NOT APPLICABLE				29. Pay Rate Determinant 0						
30. Retirement Plan K FERS AND FICA			31. Service Comp. Date (Leave) 04/19/89		32. Work Schedule F FULL TIME			33. Part-Time Hours Per Biweekly Pay Period							
POSITION DATA			35. FLSA Category		36. Appropriation Code			37. Bargaining Unit Status							
34. Position Occupied 3 1 - Competitive Service 2 - SES General 3 - Excepted Service 4 - SES Career Reserved			E E - Except N - Nontenured					8888							
38. Duty Station Code 51-0100-013			39. Duty Station (City - County - State or Overseas Location) ARLINGTON ARLINGTON VA												
40. Agency Data		41.		42.		43.		44.							
45. Remarks Veteran preference is not applicable to the Senior Executive Service. Subject to satisfactory completion of one year SES probationary period beginning 09/26/2010. Tenure as used for 5 U.S.C. 3502 is not applicable to the Senior Executive Service.															
46. Employing Department or Agency DEPARTMENT OF LABOR					50. Signature/Authentication and Title of Approving Official BROOKE L. BREWER DIRECTOR, OFFICE OF EXEC RESOURC										
47. Agency Code DL MI		48. Personnel Office ID 4155		49. Approval Date 09/18/10											

5-Part 50-316

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PERFORMANCE MANAGEMENT PLAN FOR MANAGERS AND SUPERVISORS

General Information

Name: Charles James Thomas

Organization: MSHA - A/S - Office of Accountability

Appraisal Period: 12/10/2008 mar To 9/30/2009

Establishment of the Performance Management Plan

We have discussed this plan; written comments have (have not) X been attached.

Manager/Supervisor: Charles J. Thomas Date: October 23 2008

Rating Official: [Signature] Date: October 23 2008

Reviewing Official: [Signature] Date: December 10 2008

Mid-Term Progress Review Certification

The mid-term progress review has been conducted.

Manager/Supervisor: Charles J. Thomas Date: April 2 2009

Rating Official: [Signature] Date: 4/2 2009

Performance Appraisal and Rating

<u>X</u>	Exemplary	Exceed standards for all elements
	Highly Effective	Exceed standards for 50% or more elements but not all; meet standards for all other elements
	Effective	Meet standards for all elements and may exceed standards for less than 50% of elements
	Minimally Satisfactory	Need to improve performance for one or more elements
	Unsatisfactory	Fail to meet standards on one or more elements

We have discussed this appraisal; written comments have have not X been attached.

Manager/Supervisor: Charles J. Thomas Date: 10/2/09

Rating Official: [Signature] Date: 10/2/09

Reviewing Official: [Signature] Date: 10/15/09

PP 11/3/09

**Performance
Summary**

For each element, use an "X" to indicate the appropriate rating.
 Element ratings: E = Exceed, M = Meet, NI = Need to Improve, F = Fail

ELEMENT	ELEMENT RATING			
	E	M	NI	F
<i>Managerial Competencies:</i>				
A. Leadership	X			
B. Resource Management	X			
C. Coalition Building and Communication	X			
D. Problem Solving and Initiative	X			
<i>Achieving Organizational Results: Identify Linkage with Appropriate DOL Performance Outcome Goals:</i>				
Result 1	X			
Result 2	X			
Result 3	X			
Result 4	X			

PURPOSE OF APPRAISAL:

_____ Interim Rating

 X Rating of Record

**Other
Significant
Accomplishments**

**Managerial
Competency
Elements**

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

A. LEADERSHIP
Performance standards for Meet:

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.

B. RESOURCE MANAGEMENT

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.

**Managerial
Competency
Elements**

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

C. COALITION BUILDING AND COMMUNICATION

Performance standards for Meet:

Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

D. PROBLEM SOLVING AND INITIATIVE

EXCEED	<input checked="" type="checkbox"/>
MEET	<input type="checkbox"/>
NEED TO IMPROVE	<input type="checkbox"/>
FAIL	<input type="checkbox"/>

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

**Organizational
Performance
Elements**

Provide 4 results-specific objectives that demonstrate linkage with DOL's Strategic Plan outcome goals. This section should include the major results to be achieved during the period of time covered by the performance agreement. Results need to be clearly identified and measurable. They should be phrased in a manner that will leave no doubt about whether the results were achieved, however, the results should not include detailed milestones or descriptions of the process and methods used to get the results

PERFORMANCE AGREEMENT RESULT # 1		Reduce the Fatal Injury Incidence Rate in the Nation's Metal and Nonmetal Mines and Coal Mines by 22% from the baseline by the end of FY 2011.
EXCEED	X	
MEET		Ensures that subordinate employees are appropriately assisting MSHA employees in communicating recommendations and root causes for the purpose of preventing fatalities, injuries, and repetitive non-compliance most of the time.
NEED TO IMPROVE		Through audits of District and/or Field office performance, provides oversight to ensure that all enforcement tools are utilized, and the proper level of enforcement is adequately and properly documented according to policy and procedures to prevent fatalities.
FAIL		<p>Audits are typically completed and a report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.</p> <p>Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.</p> <p>Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.</p>

PERFORMANCE AGREEMENT RESULT # 2		Reduce the ALL Injury Incidence Rate, in the Nation's Metal and Nonmetal Mines and Coal Mines, by 57% by the end of FY 2011.
EXCEED	X	
MEET		Through audits of District and/or Field office performance, typically provides oversight to ensure
NEED TO IMPROVE		

FAIL		<p>that hazards are being recognized and properly addressed and documented.</p> <p>Through audits of District and/or Field office performance, ensures that internal review and other accountability audit corrective actions are being followed.</p> <p>Audits are typically completed and a report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.</p> <p>Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.</p> <p>Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.</p>
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PERFORMANCE AGREEMENT RESULT # 3		<p>Decrease by 5% per year the percentage of silica dust and noise samples taken with results that are less than half the permissible exposure with results that are less than half the permissible exposure limit.</p>
EXCEED	X	
MEET		
NEED TO IMPROVE		<p>Reduce respirable coal dust samples exceeding applicable standards by 5%, and establish a new baseline for noise in coal mines.</p>
FAIL		<p>Typically identifies possible deficiencies through a review and analysis of existing data.</p>

PERFORMANCE AGREEMENT RESULT # 4		<p>Reduce FY05 total case rate by 10% or achieve a rate that is 50% below MSHA's FY05 total case rate.</p>
EXCEED	X	
MEET		
NEED TO IMPROVE		<p>Reduce FY05 lost time case rate by 10% or achieve a rate that is 50% below MSHA's FY05 lost time case rate.</p>

FAIL		<p>Reduce FY05 lost production day rate by 10%.</p> <p>Process 95% of all claims received timely.</p> <p>Through audits of District and/or Field office performance, provides oversight to ensure that all enforcement tools are utilized, and the proper level of enforcement is adequately and properly documented according to policy and procedures.</p> <p>Audits are typically completed and a report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.</p> <p>Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.</p> <p>Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.</p>
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ELEMENT 1-LEADERSHIP

Performance standards for Meet:

Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political and social trends affecting the organization.

Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction, and meets them.

Uses agency performance plans and other management systems to link individual performance outcomes and to overall organizational performance objectives.

- **Conducted detailed analysis of the level of enforcement at the District and field office levels for Coal and Metal Non Metal to identify weak or low levels of enforcement. Compares current levels of enforcement to levels over a longer period of time.**
- **Reviews and conducts follow-up Office of Accountability reviews to determine if the "Accountability Program" is on track and following correct procedures, and determine if both Headquarter and District reviews are in depth, accurate, informative, and that deficiencies are truly corrected for long term. Audits were conducted to receive feedback from Administrators, Deputy Administrators, Headquarters Accountability Coordinators, and the Managers in the field.**
- **Continuously develop new checklist items and improve the audit process from not only a "problematic mine" view but expand the office to look at District performance and drill down to individual field office performance.**
- **Monitor and incorporate the monthly "Key Indicator" reports as part of the audit process.**
- **This FY2009 Charles mentored one Department of Labor employee in Leadership Development and one Mine Academy MSHA employee as a Leadership Development Program Mentor.**
- **Constantly reviews the Key Indicators and status of GPRA goals to stay abreast of MSHA Coal and MNM successes and issues regarding employee accidents, injuries, safety and health initiatives, etc, and uses this information during audits.**

ELEMENT 2-RESOURCE MANAGEMENT

Performance standards for Meet:

Ensures that staff are appropriately selected, utilized, appraised, and developed, as well as treated fairly and equitably. Takes steps to address issues of discrimination of which he or she is aware. Actively develops the talents of the staff, and develops qualified candidates for positions in the organization.

Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.

Proactively works to maintain safe workplace and to prevent accidents, injuries, and illness. Resolves conflicts in a positive constructive manner.

Assures that the organizational budget is administered in a manner that supports the accomplishments of program goals and reflects sound financial management.

- **Suggested to the Administrator for Coal and the EFD Director Jeff Duncan, as both problem solving and resource management to have the Educational and Field Service specialist conduct walk and talk and present handouts underground at all of Coal's 103(i) spot mines which was approximately 104 underground mines and had a positive impact on proper rockdusting, permissibility, work place examinations, and ventilation best practices. (This bullet is also mentioned in problem solving as well as here in resource management.)**
- **The Office of Accountability accomplished the following as resources were efficiently utilized to accomplish in house training and at the same time complete the required number of audits and follow-up audits without disrupting Coal and Metal Non Metal key events such as National Coal Mine Rescue Contest, local mine rescue contests, all employee meetings, and other Program initiatives with no disruption. Below is a list of resource accomplishments from October 1, 2008 to April 11, 2009.**

A total of 16 audits were conducted by the Office of Accountability from October 1, 2008 through April 11, 2009 with a total of 176 citations and 1 order issued.

Twelve audits were conducted in Coal at seven Districts in which 8 field offices were visited. Six underground mines were inspected with 83 citations issued. Six surface mines were inspected with 38 citations issued.

Four audits were conducted in Metal/Non-metal at four Districts in which 4 field offices were visited. One underground mine was inspected with 20 citations issued. Two surface mines were inspected with 13 citations issued. One surface facility was inspected with 22 citations and 1 order issued.

The following is a breakdown of each District/field office:

Coal – 12 audits (Issuances in parenthesis)

	<u>UG</u>	<u>SF</u>	<u>FAC</u>
District 1 – Shamokin FO		2 (9)	
District 5 – Norton FO		1 (1)	
District 6 – Hindman FO	1 (12)		
District 7 – Hazard FO	1 (6)		
District 9 – Price FO	1 (0)		
District 9 – McAlester FO	1 (30)		
District 10 – Morganfield FO	1 (26)	1 (14)	
District 11 – Bessemer FO	1 (11)	2 (14)	

MNM – 4 audits

Southeastern – Birmingham FO		1 (11)	
South Central – Dallas FO		1 (2)	
Rocky Mountain – Helena FO	1 (20)		
Western – San Bernardino FO			1 (22)+(1 Order)
	<u>7 (103)</u>	<u>8 (51)</u>	<u>1(22 + 1 Order)</u>

District 9 Training – Richard McDorman conducted Gravity, Negligence, and Citation and Order writing in District 9 Field Offices this FY2009 with improvement in some field offices.

During the week of January 6, 2009 the Director of Accountability held an Accountability Planning meeting at headquarters to discuss future audits to be conducted during FY2009. Both specialists attended the meeting and a conference call was held to include the Computer Specialist in discussions of changes and/or improvements on conducting the accountability audits.

The incumbent ensured that he and both specialists receive training and donn SCSRs each and every quarter. In addition, he ensures all Accountability Team members completed required online training courses (COOP, Safeguarding All Personal Identifiable Information and Notification, and Federal Employee Antidiscrimination and Retaliation Act).

The Accountability Team developed a Lock/Tag PowerPoint Presentation to provide to the Districts and mines for training purposes to miners.

District 5 submitted a request to the incumbent to permit the Accountability Computer Specialist to revise a Noise Database that she previously developed. The Computer Specialist revised the Noise Database and provided it to several Districts for use in tracking noise surveys and citations.

ELEMENT 3 –COALITION BUILDING AND COMMUNICATION

Performance standards for Meet:

Promotes and open, communicative environment where staff can readily access resources and move forward to accomplish goals and tasks. Handles workplace disputes promptly and effectively.

Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.

Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of the internal and external stakeholders in working on common tasks or group projects; share work and decision-making with others.

- Mr. Thomas collaborates and works well with all Agency Program areas, the NMA, the UMWA, coal operators, academia, and always informs folks of the OA schedule, and does this with little or no disruption.
- Talks with his staff daily and has many conference calls which empowers staff to be involved with decision making and listens to miners, coal operators, and allows them to come up with suggestions on health, safety, and compliance with the regulations, standards, policy, and best practices.
- Staff was trained at Impoundment training seminar in Beckley and Director sat in last day to hear their goals and problem solving solutions. Metal has a great need for impoundment regulations and this was reported in audits.
- "One on one" discussions are held with miners, union representatives, mine managers and mine operators to help determine the best avenues of approach to solve problems related to the level of enforcement at each field office audited.

ELEMENT 4-PROBLEM SOLVING AND INITIATIVE

Performance standards for Meet:

Stressed innovation and risk-taking. Analyzes problem and develop alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.

Displays and attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

- **Charlie showed initiative by volunteering to work a detail in Coal and "Acting" Deputy Administrator from April 11, 2009 to December 8, 2009 and readily accepts constructive criticism and learns from his mistakes.**
- **Director of Accountability saw the need for diversity training in his subordinates and interaction with Hispanic speaking miners in the South West especially in the Metal Non Metal program and approached the Deputy Assistant Secretary and convinced him to purchase to "Rosetta Stone" self teaching software for his employees to learn to speak Spanish. This will enhance the OA's ability to communicate with the ever increasing numbers of miners and mine management at operations where English is not the primary language.**
- **Charlie works well in a "team atmosphere" and always listens to the Program areas for constructive feedback and has a positive attitude and effect on his peers and subordinates and has worked well with the Coal DM's and well as the Metal DM's and is respected.**
- **Currently working with and collaborating other Agencies for better training and protection of miners concerning explosive training and understanding Alcohol Tobacco and Firearms (ATF). Currently is meeting with them to inform top staff of the possibility of conducting inspections and Department of Labor would be reimbursed for conducting the inspections on non MSHA properties. This is a risk taking adventure to protect not only MSHA employees but person working at the explosive magazine site after MSHA conducts an inspection for ATF. This has yet to be agreed upon or resolved in a Memorandum of Understanding (MOU).**
- **Suggested to the Administrator for Coal and the EFD Director Jeff Duncan, as both problem solving and resource management to have the Educational and Field Service specialist conduct walk and talk and present handouts underground at all of Coal's 103(i) spot mines which was approximately 104 underground mines and had a positive impact on proper rockdusting, permissibility, work place examinations, and ventilation best practices.**

- **Consistently identify and communicate and address systemic issues related to MSHA management and oversight of the inspection process, especially related to supervisory review and oversight of enforcement and determination of gravity and negligence.**
- **Reviewed accompanied activities and second level reviews to assure proper feedback and oversight is conducted in the field.**
- **Recommended that corrective actions include Richard McDorman travelling to two Districts in Coal to re-enforce gravity and negligence evaluations and this was a very successful accomplishment in D8.**
- **Conduct "one on one" discussions of audits with Supervisor, Assistant District Managers, District Managers, Deputy Administrators, and Administrators.**
- **Provide detailed audit information to George Fesak and Michael Davis the Deputy Assistant Secretary of Field Operations.**
- **A yearly summary report is furnished to the Assistant Secretary outlining the audit findings and corrective action status.**
- **To further communicate with the field program areas the OA developed a power point on "LOCK & TAG OUT" when performing electrical and maintenance to be proactive in preventing electrical and mechanical repair fatalities.**
- **His staff created "Best Practices" bulletins for prevention of injuries from materials falling from overhead conveyor system structures at Metal and Non Metal surface and underground mines.**

Performance Agreement Result #1

Reduce the Fatal Injury Incidence Rate in the Nation's Metal and NonMetal and Coal Mines by 22% from the baseline by the end of FY 2011.

Ensures that subordinate employees are appropriately assisting MSHA employees in communicating recommendations and root causes for the purpose of preventing fatalities, injuries, and repetitive non-compliance most of the time.

Through audits of District and/or Field office performance, provides oversight to ensure that all enforcement tools are utilized, and the proper level of enforcement is adequately and properly documented according to policy and procedures to prevent fatalities.

Audits are typically completed and report is issued within 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.

Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.

Follow-up audits (or data mining) are usually conducted to ensure District compliance. Audits are planned for efficient and effective use of resources.

- **Employees and I communicate verbally and through reports with all levels of MSHA employees, during site audits feedback is given to the supervisor and the inspector. During closeouts findings, suggestions, deficiencies are discussed with the supervisor and the District Management.**
- **Audit reports indicate when level of enforcement was appropriate or where there is need for additional oversight and increased level of enforcement. This has a direct effect on operator compliance with health and safety regulations**
- **Field portion of the report are finished in 1 to 3 days, but reports are not always final in 12 days due to travel, leave, and back to back audits.**
- **Adverse findings are always discussed with the Administrators, but typical low level deficiencies are normally generated in the report checklist.**
- **New queries conducted by contractor program analyst to evaluate if improvements are made in specific field offices as follow-up. A follow-up audit was conducted in Price, UT this fiscal year.**

Performance Agreement Result #2

Reduce the ALL Injury Incidence Rate, in the Nation's Metal and Nonmetal Mines and Coal Mines, by 57% by the end of FY 2011.

Through audits of the Districts and /or Field office performance, typically provides oversight to ensure that hazards are being recognized and properly addressed and documented.

Through audits of Districts and /or Field office performance, ensures that internal review and other accountability audit corrective actions are being followed.

Audits are typically completed and a report is issued with 12 days. Field or mine site audits are usually completed in 1 to 3 days, depending on mine size and complexity.

Findings are typically discussed with the Administrators of Coal and M/NM. Reports are mailed to each District Manager most of the time.

Follow-up audits (or data mining) are usually conducted to ensure District Compliance. Audits are planned for efficient and effective use of resources.

- **Employees and I communicate verbally and through reports with all levels of MSHA employees, during site audits feedback is given to the supervisor and the inspector. During closeouts findings, suggestions, deficiencies are discussed with the supervisor and the District Management.**
- **Audit reports indicate when level of enforcement was appropriate or where there is need for additional oversight and increased level of enforcement. This has a direct effect on operator compliance with health and safety regulations**
- **Field portion of the report are finished in 1 to 3 days, but reports are not always final in 12 days due to travel, leave, and back to back audits.**
- **Adverse findings are always discussed with the Administrators, but typical low level deficiencies are normally generated in the report checklist.**
- **New queries conducted by contractor program analyst to evaluate if improvements are made in specific field offices as follow-up. A follow-up audit was conducted in Price, UT this fiscal year.**
- **Phone calls to Managers to check on such subjects as rockdusting surveys, methane liberation, and improvement in enforcement level is checked by both data mining and Key Indicator reports monthly.**

Performance Agreement Result #3

Decrease by 5% per year the percentage of silica dust and noise samples taken with results that are less than half the permissible exposure with results that are less than half the permissible exposure limit.

Reduce Respirable coal dust samples exceeding applicable standards by 5%, and establish a new baseline for noise in coal mines.

Typically identifies possible deficiencies through a review and analysis of existing data.

- **Preliminary FY 2009 Noise National GPRA* 4.01
FY 2009 GPRA Noise National Target 4.45
Data close of business September 29, 2009 with more data to be entered into the system**
- **211 of 409 UG mines are on a reduced standard to better protect miners from coal dust and silica. Further breakdown is that 223 of 864 MMU's are on a reduced standard.**
- **Dust results pending but Coal was meeting national target at the end of the third quarter of FY 2009 the goal was 9.55 percent of samples above the standard and the eleven districts was below the goal at 8.44. Only three of eleven Coal Districts were above their targets, these were Districts 2, 3, and 4 last fiscal year six Districts were above their target, this is a 50% reduction in the number of Districts missing their target on Respirable dust.**
- **A query run on September 30th by DOH indicates the 9.55 percent of samples above the standard is 7.75% which is a significant improvement. This has not been confirmed until all samples are entered in the next 10 days.**

Performance Agreement Result #4

Reduce FY05 total case rate by 10% or achieve a rate that is 50% below MSHA's FY05 total case rate.

Reduce FY05 lost time case rate by 10% or achieve a rate that is 50% below MSHA FY05 lost time case rate.

- MSHA goal FY2009 for total case rate is 6.12 and YTD is 5.11 which indicate goal was reached and exceeded.
- Total lost time case rate goal for FY2009 is 1.96 and YTD rate for FY2009 is 1.29 which indicates the goal was reached and exceeded.
- Lost production date rate foal for FY2009 is 117 and YTD 40.6 which also exceeded the goal for this fiscal year.
- No accidents were reported for the office of accountability staff or Director to date.
- Director ensures that SCSR training is conducted each quarter and documented and expectations training was also conducted here at HQ office in January 2009.

SEE VARIOUS SUPPORTING ATTACHMENTS

- Participate in Post 5, Morgantown, WV Mine Rescue and Bench final appeals judge
- Judge National Mine Rescue Contest, Nashville, TN as score card examiner, final appeals BG-4 Bench, final appeals pre-shift and facilitated getting the mine resuce teams on and off the filed timely to make the contest run efficiently.
- Mentored one LDP person at the Academy, Kevin Malay.
- Mentored one DOL person Ms. Sandra Swinson in CY2009

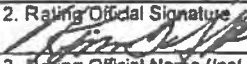
Performance Management Plan for Managers and Supervisors

A. General Information


1. Employee Name (last, first, middle) Thomas, Charles J.	2. Organization MSHA, COAL
3. Title, Series, Grade Supervisory Mine Safety and Health Specialist, GS-1822-15	4. Appraisal Period (mm/dd/yyyy) 11/10/2009 to 9/30/2010
5. Supervisory Status <input type="checkbox"/> Code 2 - Supervisor or Manager	

B. Performance Elements and Standards Certification

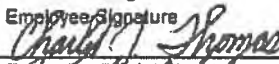

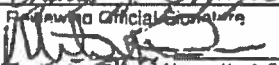
1. I certify that this performance plan contains accurate performance elements and standards that:	<input checked="" type="checkbox"/> Link at least one critical element to specific Department, Agency, and/or organizational strategic goal. <input checked="" type="checkbox"/> Hold the employee accountable for measurable and observable results. <input checked="" type="checkbox"/> Link to the employee's position description and reflect the duties and responsibilities assigned to the employee.
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2. Rating Official Signature 	Date (mm/dd/yyyy) 11-10-09
3. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
4. Rating Official Title Administrator for Coal Mine Safety and Health	
5. Prototype Standards? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



C. Position Description Certification

1. Position description is correct? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below)	2. Rating Official Signature 
	Date (mm/dd/yyyy) 11/10/2009
	3. Rating Official Name (last, first, middle) Stricklin, Kevin G.
	4. Rating Official Title Administrator for Coal Mine Safety and Health

D. Establishment of the Performance Management Plan




1. We have discussed this plan and written comments are attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Employee Signature 
	Date (mm/dd/yyyy) 11/04/2009
3. Rating Official Signature 	6. Reviewing Official Signature 
Date (mm/dd/yyyy) 11-10-09	Date (mm/dd/yyyy) 11/10/2009
4. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
7. Reviewing Official Name (last, first, middle) Michael A. Davis	
5. Rating Official Title Administrator for Coal Mine Safety and Health	
8. Reviewing Official Title Deputy Asst. Secretary for Operations, MS&H	

E. Mid-Term Progress Review Certification

1. The mid-term progress review has been conducted. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If No, Explain below)	3. Rating Official Signature 
	Date (mm/dd/yyyy) 5/19/10
4. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
5. Rating Official Title Administrator for Coal Mine Safety and Health	
2. Employee Signature 	
Date (mm/dd/yyyy) 8/5/11/2010	

F. Performance Appraisal and Rating

1. Indicate Performance appraisal and rating below.	2. We have discussed this appraisal/written comments are attached. YES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"><input type="checkbox"/> Exemplary</td> <td>Exceed standards for all elements</td> </tr> <tr> <td><input checked="" type="checkbox"/> Highly effective</td> <td>Exceed standards for 50% or more elements but not all; meets standards for all other elements</td> </tr> <tr> <td><input type="checkbox"/> Effective</td> <td>Meet standards for all elements and may exceed standards for less than 50% of elements</td> </tr> <tr> <td><input type="checkbox"/> Minimally Satisfactory</td> <td>Need to improve performance for one or more elements</td> </tr> <tr> <td><input type="checkbox"/> Unsatisfactory</td> <td>Fail to meet standards on one or more elements</td> </tr> </table>	<input type="checkbox"/> Exemplary	Exceed standards for all elements	<input checked="" type="checkbox"/> Highly effective	Exceed standards for 50% or more elements but not all; meets standards for all other elements	<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements	<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements	<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements	
<input type="checkbox"/> Exemplary	Exceed standards for all elements										
<input checked="" type="checkbox"/> Highly effective	Exceed standards for 50% or more elements but not all; meets standards for all other elements										
<input type="checkbox"/> Effective	Meet standards for all elements and may exceed standards for less than 50% of elements										
<input type="checkbox"/> Minimally Satisfactory	Need to improve performance for one or more elements										
<input type="checkbox"/> Unsatisfactory	Fail to meet standards on one or more elements										

3. Purpose of Appraisal <input type="checkbox"/> Interim Rating <input checked="" type="checkbox"/> Rating of Record	7. Employee Signature 
	Date (mm/dd/yyyy) 10/29/2010
4. Rating Official Signature 	8. Reviewing Official Signature 
Date (mm/dd/yyyy) 10/29/10	Date (mm/dd/yyyy) 10/29/2010
5. Rating Official Name (last, first, middle) Stricklin, Kevin G.	
9. Reviewing Official Name (last, first, middle) Wagner, Gregory	
6. Rating Official Title Administrator for Coal Mine Safety and Health	
10. Reviewing Official Title Deputy Assistant Secretary for Policy	

G. Performance Summary

1. For each element, select the appropriate rating. Element ratings: E = Exceed; M = Meet; NI = Need to Improve, F = Fail

Managerial Competency Elements	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>			
Resource Management	<input checked="" type="checkbox"/>			
Coalition Building and Communication	<input checked="" type="checkbox"/>			
Problem Solving and Initiative	<input checked="" type="checkbox"/>			
Equal Employment Opportunity	<input checked="" type="checkbox"/>			

Organizational Performance Elements	Element Rating			
	E	M	NI	F
Result 1 - Fatality Injury Incidence Rate	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Result 2 - Fatalities and Injuries	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Result 3 - Dust and Noise	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Result 4 - Accountability	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		

H. Other Significant Accomplishments

1. Please describe other significant accomplishments in the space below.

I. Managerial Competency Elements**1. Leadership**

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission, consistent with key Agency policies and priorities and economic, political, and social trends affecting the organization.
- Anticipates and meets the needs of clients/customers. Sets standards for customers' needs and satisfaction and meets them.
- Uses Agency performance plans and other management systems to link individual performance to outcomes and to overall organizational performance objectives.
- Promotes and maintains diverse and inclusive workforce by actively recruiting and hiring from diverse applicant pools; fostering collaboration with individuals from diverse backgrounds, perspectives, and experiences; ensuring opportunities for growth exist equitably for all employees; and providing fair and equitable recognition of accomplishments for all employees

Narrative

2. Resource Management

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- eff*
- Ensures that staff are appropriately selected, utilized, appraised and developed. Actively develops the talent of the staff and develops qualified candidates for positions in the organization.
 - Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.
 - Uses informal training, continuous managerial assessments, frequent and constructive feedback and appropriate recognition to promote staff morale and to ensure quality work products and customer service.
 - Proactively works to maintain a safe workplace and to prevent accidents, injuries and illness. Resolves conflicts in a positive and constructive manner.
 - Assures that the organizational budget is administered in a manner that supports the accomplishment of program goals and reflects sound financial management.
 - Develops, implements, and maintains strategic and operational plans to facilitate the achievement of program responsibilities, assigned under the American Recovery and Reinvestment Act (ARRA) provisions, consistent with the Secretary's enduring vision of *Good Jobs for Everyone*. Assures that allocated ARRA funds are administered in accordance with the Department's "Operating Plans for Departmental Management Funds in the American Recovery and Reinvestment Act", and complies with Departmental requirements for accurate recording and reporting of ARRA-related activities and resource utilization.
 - Actively recruits to attract and select qualified applicants with the competencies needed to successfully meet Departmental Fiscal Year 2010 hiring goals by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

Narrative

3. Coalition Building and Communication

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Promotes an open, communicative environment where staff can readily access resources and move forward to accomplish common goals and tasks. Handles workplace disputes promptly and effectively.
- Makes clear to staff what is expected of them both individually and as a team/group; clarifies the extent of their authority.
- Effectively represents the Department and the program agency internally and externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Narrative

4. Problem Solving and Initiative

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

- Stresses innovation and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move program forward.
- Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results.

Narrative

5. Equal Employment Opportunity

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

Performance Standard for Meet

295
11/1/18

- Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation, ensures EEO principles are adhered to throughout the organization.

Narrative

J. Organizational Performance Elements

At the beginning of the performance cycle, the rating official must provide, in Section J, four critical, results-specific elements and standards, at least one of which demonstrates linkage with the Secretary's vision of *Good Jobs for Everyone* that the employee will be held accountable for during the performance cycle. Each performance standard must be written at the Meets level and includes measures of performance such as quality, quantity, timeliness and cost effectiveness. Standards should be clear and not include detailed milestones or descriptions of the process and methods used to achieve the results.

In assigning a rating to each element, please rate the employee at one of the following four levels and include a written narrative as appropriate:

- Exceeds described level of performance (narrative required)
- Meets described level of performance (narrative not required)
- Needs to improve in order to meet the level of performance (narrative required)
- Fails to meet described level of performance (narrative required)

Result #1

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace;

- Demonstrates efforts toward the reduction of the mining fatality injury incidence rate in the Nation's Coal mines in accordance with the performance goals and indicators.
- Demonstrates efforts toward the reduction of the ALL injury incidence rate in the Nation's Coal mines in accordance with the performance goals and indicators.
- Monitors mine safety and health program are to ensure the citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conference s and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

Performance Standard

Performance is satisfactory when:

A 5% reduction in FY10 from the average number of fatalities for FY2005 – FY2009.

The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner. Progress will be measured by using a variety of reports.

Narrative

Result #2

☐ Exceed ☒ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace:

Demonstrates efforts toward the reduction of the fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understand the effects of each District's geography and work load when determining acceptable average performance baselines.

Performance Standard

Performance is satisfactory when:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all E01 inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all E01 inspections at 100% will be for all coal mines nationwide.

Narrative

Result #3

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 -- Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 -- Voice in the Workplace;

Decrease by 2% per year from the previous year's actual performance or target, the percentage of dust and noise samples taken with results that are above the allowable limits.

Performance Standard

Performance is satisfactory when:

Focused inspections are used to target the most egregious and persistent violators; conduct special emphasis on Respirable coal mine dust and noise inspections in FY 2010; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Busters" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

Narrative

Result #4

☒ Exceed ☐ Meet ☐ Need to Improve ☐ Fail

In support of the Secretary's Vision of Good Jobs for Everyone through Outcome Goal 2 – Securing safe and healthy workplaces, wages and overtime, particularly in high-risk industries and Outcome Goal 10 – Voice in the Workplace;

Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and PEER reviews.

Incumbent will monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law and review findings noted in such reviews and timely implement corrective actions.

Performance Standard

Performance is met when:

Mine visits are made; repeat audit findings are reduced or eliminated, personnel are trained as necessary, field activity and second level reviews are completed, deficiencies are timely addressed; there is consistency in citations/orders issued, Hazard Condition Complaints are processed following SOPs, conferences and contested cases are not modified or vacated at an unreasonable rate; 105 (c) and 110 cases have been investigated in accordance with the handbook, policies and procedures and mine plan approvals are evaluated accurately and thoroughly. Serves on or oversees employees who serve on rulemaking committees to assure timely promulgation of regulations listed in the Agency's semi-annual agenda affecting CMS&H

Narrative

Charles J. Thomas FY 2010

Performance Management Plan
Charles J. Thomas
Coal Mine Safety and Health, Deputy Administrator for Coal Mine Safety and Health
October 1, 2009- September 22nd, 2010

A. Leadership:

- 100% Completion of all mandated inspections
- Key Indicator "Citations 30+ day past due when terminated" improvement two years consecutive from 66 overdue in FY2008, decrease to 54 overdue in FY2009, and currently at all time low of 9 overdue FY2010 (See attachment). Deputy Administrator reviews these Key Indicators monthly and sends oversight e-mails to the DMs.

Onsite E01 enforcement time has increased in last two years from 65% to 66% FY2009 and is currently at 68% FY2010 and part of this is due to more CMIs and less trainees.

Vacates are down from 0.9% to 0.7% this FY is attributed to better oversight by supervisors and training in the field.

- Exceeded GPRA Goal of 7.63 % respirable dust overexposures, current percent is 6.45(See attachment)
- Meeting Noise GPRA of 3.94 % above standard at 2.54% above the standard.(See attachment)
- Made 11 mine visits in FY2010, and made one District Visit to D1 to meet with "Acting" sub-district Manager John Hendley
- Sought consensus on "Gilliam Impact Inspections" and organized inspectors from outside Districts to inspect in D5 and D6 and prepared powerpoint to present to corporate president and staff.

B. Resource Management:

- Coordinate with Terry Bentley on inspector details and I was in charge of supervisor, ADM, and DM details during FY2010.
- In concert with the Administrator and OAS, assist in the selection of the UBB AI and IR teams. Made many phone calls persuading employees to participate in these critical investigation and reviews.
- Provide oversight on Over Time and seek justification from DM when warranted and instruct very few DMs that job fairs are not acceptable reasons to work OT when prior planning could have prevented this OT.
- Assist purchasing agent order inspection equipment.
- Assist planning of one DM meeting with Steve Gigliotti while Melinda was on detail. Very successful meeting in Beckley.
- Inquire of root cause of accidents in the field to our inspectorate and share that information with DMs

Charles J. Thomas FY 2010

- Continue to carry out Administrators recommendation that specialist work 50% of available time dedicated to E01s and E02s.
- Spot E02 surface inspections are being conducted when mandated E01s are completed in select Districts.

C. Coalition Building and Communication:

- Met with UMWA and four District Managers in Beckley to establish better communication and enforcement consistency.
- Met with UMWA at Federal #2 in District 3 to improve workplace examinations and relationship between Industry, Labor, Union, and MSHA. Monthly meeting set up to foster this working relationship. First meeting is September 2010.
- Quarterly DM meeting are scheduled to disseminate information, policy, and regulation changes.
- Meet with the Administrator almost daily to share updates on issues, enforcement, and correspondence.
- Communicate and work well with PEIR, EFS, MNM, A&M, SOL, BCOA, UMWA, NMA, and Congress.

D. Problem Solving and Initiative:

- Work with Districts to support the Dust Buster and respirable dust sampling program with very positive results through FY2010 Qtr 3. GPRA goal met as mentioned under leadership. Work with SOL to support new aggressive enforcement.
- Problems with Bowie Mine was brought to HQ attention. Made mine visit to assess conditions and eventually one MMU was abandoned and moved due to ventilation concerns and availability. Problem solving in D9 at Signal Peak, Bull Mountain and made mine visit with Mike Kalich to access LW ventilation that was switched from bleeder to bleederless to address CO problem. Problem was solved.
- Worked extensively with "Acting" DMs and new DM in District 8. Conducted one all employee meeting and one supervisor and manager meeting to provide oversight over all program area. Made mine visit to problematic Mach Mine. Witnessed marked improvement at this mine.
- Interview three candidates and recommended selection of D8 DM
- Interviewed four candidates and recommended selection of D2 DM
- Interviewed six candidates with Steve Gigliotti for DOS roof control specialist and recommended top three to him. Thirteen (13) interviews involving Gigliotti, Gates, and Bentley.

Charles J. Thomas FY 2010

Initiative

- Initiative:
Made 11 mine visits, Two (2) CMI class orientation speeches, Seminars, and District visits to the following: (See attachment)

E. Equal Employment Opportunity

- Two DMs are members of Regional Executive Committee and actively recruit minorities. Gates in Atlanta and Light in Philadelphia.
- Ethics and professionalism are taught for all supervisors and above.
- Attended Diversity Training at DOL

#6. Reductions in Fatality Injury Incidence Rates, All Injury Incidence Rates, Monitor Health and Safety Programs

All Injury Incidence rates, including timely citation/order terminations, processing of hazard complaints, and 110 cases. Hazard complaints and reported accidents are closely monitored for timeliness, responsiveness, and quality.

The incumbent has continued striving to reduce fatality rates and accident injury rates. I review and comment on Congressional inquiry response letters and memorandums, directives; PILs, PPLs, PIBS, portions of handbooks, policy manuals, accident emphasis information, and related correspondence. At direction of OAS, Because of the UBB accident, an Agency decision was made to devote additional emphasis on additional mines where there was a potential for explosions to occur due to ventilation, rock dusting, or compliance issues. Monitored progress and provided follow up info and updates to top staff and Agency personnel.

Was involved in several briefings/discussions with RSOL/SOL regarding recommendations related to accident investigations, enforcement actions or proposed violations, or violations in contest, where RSOL/SOL was not in agreement with Coal's positions.

#7. Using Key Indicators and Other Reports to Direct Resources

Utilizes the Key Indicators and other Program or Agency reports regularly to manage District program areas for quality and performance. He has an established working knowledge of district geographical boundaries, conditions, and variances with regard to district performance. He has greatly assisted the districts to assure that 100% inspection completion

Charles J. Thomas FY 2010

rates are accomplished Nationwide by balancing both inspector resources and supervisors and managers and assigning them as necessary. I stay in contact with Fred Menke and maintain an awareness of inspection completion rates and hurdles or events which would impede the inspection completions. Significantly, while Coal still completed 100% of the mandated regular inspections during the past year, the average hours for an inspection increased by over 12 hours. Also, the number of 104(d) issuances increased by approximately 400 in the past Fiscal Year. Inspection enforcement, presence, and coverage have increased while 100% of inspection completions have still been achieved.

Key Indicators are used for improving enforcement consistency and Managers are regularly e-mailed to investigate and improve indicators of concern.

#8. Decrease Respirable Dust and Noise Levels

Respirable dust goals were greatly exceeded. The goal was 7.63 % of MSHA sample overexposures and this goal was exceeded at 6.45% of samples greater than the established standard.

Deputy has stayed abreast of the rule making and offered support to the DOH concerning Dust Busters and problematic operators/MMUs.

#9 Decrease noise overexposures

(Results will be available early November 2010)

Meeting Noise GPRA of 3.94 % above standard at 2.54% above the standard.(See attachment)

Charles J. Thomas FY 2010

#10 Monitor Accountability Reviews for Enforcement Consistency

Reviews both Key Indicators and Accountability Audit Reports for enforcement consistency. When visiting the Districts, accountability corrective actions are monitored for effectiveness.

Dates	Purpose
10/5/09-10/6/09	Appraisals in Districts 3 & 4
10/19/09-10/23/09	Saturation Inspections in <u>DISTRICT 5</u> and MEU Dinner at the Academy
11/16/09-11/20/09	Managers' Meeting at the Academy
12/1/09-12/2/09	R.Gilliam Meeting in Charlottesville, VA
12/7/09-12/7/09	Black Lung Campaign, Washington, PA
12/14/09-12/18/09	<u>DISTRICT 8 & DISTRICT 10</u> Mine Visits
1/19/10-1/20/10	CMI Orientation Class 80, Beckley, WV
2/7/10-2/11/10	Fatalities Prevention/Mine Visits <u>DISTRICT 9</u> Longview, Elgin and Austin, Texas
3/3/10-3/5/10	MSHA/UMWA Communication Meeting at the Academy
3/21/10-3/22/10	MTTC Training Center, Morgantown-Ruff Creek, PA
4/12/10 - 4/14/10	BLM Meeting
5/10/10-5/13/10	Managers' Meeting at the Academy
5/19/10-5/21/10	Mine Visit in <u>DISTRICT 7</u>
6/22/10-6/26/10	<u>DISTRICT 9</u> Mine Visits, Billings, Montana
7/19/10-7/22/10	CMI Orientation Class 81, Beckley, WV and District 1 Visit
8/17/10-8/20/10	<u>DISTRICT 8</u> Mach Mine Visit and D8 Meeting
9/8/10-9/10/10	<u>DISTRICT 3</u> Federal #2 Mine Visit and D3 Meeting

2011 Performance Management Agreement for Executives

FILE COPY

A. Employee Data

1. Executive Name (last, first, middle)
Thomas, Charles J.

2. Organization
MSHA, CMS&H

3. Title, Series, Grade
Deputy Administrator, ES 0340

4. Appraisal Period (mm/dd/yyyy)
11-23-10 to 09/30/2011

B. Performance Development (Responsibilities and Work Commitments)
The signatures below acknowledge joint development and understanding of the Performance Competencies and Commitments

1a. I discussed this plan with employee. ☒ Yes ☐ No 1b. Employee written comments are attached. ☐ Yes ☒ No

2a. This Agreement links all critical elements to specific Agency Operational Plan goals ☒ Yes ☐ No

2b. This Agreement holds the executive accountable for measurable and observable results ☒ Yes ☐ No

3. Signature of the Rating Official
[Signature] Date (mm/dd/yyyy)
11/23/2010

4. Signature of the Executive
Charles J. Thomas Date (mm/dd/yyyy)
12/14/2010

C. Performance Review (Mid-Year)
A mandatory progress review of the expectations set forth in Section A (generally occurring midway through the evaluation period) has been conducted by the Rating Official

1. Mid-term progress review has been conducted ☒ Yes ☐ No If No, Explain (attach sheet if more room required):

3. Signature of the Rating Official
[Signature] Date (mm/dd/yyyy)
4/14/2011

4. Signature of the Executive
Charles J. Thomas Date (mm/dd/yyyy)
4/14/2011

D. Performance Evaluation
Select the Results to be rated under each element, and then select the appropriate rating.
Element ratings: E = Exceeds; M = Meets; NI = Needs Improvement; F = Fail

1. Managerial Competency Elements (Use Worksheet-Attachment 1)	Element Rating			
	E	M	NI	F
Leadership	<input checked="" type="checkbox"/>			
Resource Management		<input checked="" type="checkbox"/>		
Summary Score:				

K

2. Organizational Performance Elements	E	M	NI	F
<input type="checkbox"/> Result 1	<input checked="" type="checkbox"/>			
<input type="checkbox"/> Result 2	<input checked="" type="checkbox"/>			
<input type="checkbox"/> Result 3	<input checked="" type="checkbox"/>			
<input type="checkbox"/> Result 4	<input checked="" type="checkbox"/>			
<input type="checkbox"/> Result 5	<input checked="" type="checkbox"/>			
Summary Score:				

K

3. Rating Derivation Formula	
Exemplary	Exceed standards for all elements.
Highly Effective	Exceed standards for at least three of the Organizational Performance Elements and at least one Managerial Competency element and meet standards for all other elements.
Effective	Meet standards for all elements but does not meet the criteria for Highly Effective
Minimally Satisfactory	Need to improve performance for one or more elements
Unsatisfactory	Fails to meet standards on one or more elements

E. Annual Performance Review and Rating
The signatures below acknowledge the conducting and receipt of a rating of record by the Rating Official for the Executive

1. Indicate performance appraisal rating ☐ Exemplary ☒ Highly Effective ☐ Effective ☐ Minimally Satisfactory ☐ Unsatisfactory

2. Purpose of Appraisal ☐ Interim Rating ☒ Rating of Record

3a. We have discussed this appraisal ☒ Yes ☐ No 3b. Written comments are attached ☐ Yes ☒ No

3c. Executive would like to request a higher level review ☐ Yes ☒ No

4. Signature of the Executive
Charles J. Thomas Date (mm/dd/yyyy)
12/14/2011

5a. Rating Official Name (Last, first, middle)
BRICKMAN, Kevin G. 5b. Signature of the Rating Official
[Signature] Date (mm/dd/yyyy)
12/14/2011

6a. Reviewing Official Name (Last, first, middle)
DRURY, Patricia W. 6b. Signature of the Reviewing Official
[Signature] Date (mm/dd/yyyy)
10/25/2011

7. Signature of Chair of the Performance Review Board
[Signature] Date (mm/dd/yyyy)
JAN 17 2012 8. Signature of the Secretary
[Signature] Date (mm/dd/yyyy)
JAN 17 2012

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

The incumbent demonstrates the use of the MSHA Key Indicators and other reports in the daily managerial decision-making process, demonstrates an understanding of the root causes for variances in monthly reporting, assigns responsibility for the variances, accounts for their occurrence and remedy where applicable and shares best practices with relevant MSHA employees. The incumbent must ensure that the completion rate of all EOI inspections is 100%. Exception to this only may be granted if the incumbent can demonstrate supporting aberrations beyond the control of the incumbent's management ability that prevented 100% completion. The completion rate of all EOI inspections at 100% will be for all coal mines nationwide.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":
100% completion of mandated inspections.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)
Quarterly

5. Links to Operational Plan:
Goals #1, 3, and 6

6. Narrative (one page limit)

See Attached

Performance Element Result #3

1. Specific Outcome (the result):

Decrease by 2% per year from the previous year's actual performance or target, the percentage of dust and noise samples taken with results that are above the allowable limits.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

Focused inspections are used to target the most egregious and persistent violators; conduct special emphasis respirable coal mine dust and noise inspections in FY 2011; continually review noise controls in situations of continuing non-compliance to determine if all feasible noise controls have been applied; revise and improve coal mine dust-related inspections based on lessons learned in the "Dust Busters" effort; conduct quarterly reviews of sampling data; initiate systematic reviews of the quality of dust controls in approved mine ventilation and dust control plans during the six-month review of the plans to foster continuous improvement.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Progress will be measured by using a variety of reports, e.g. quarterly account of dust buster inspections and weekly review of respirable dust and noise overexposures.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Results are on an annual basis; however, review is monitored regularly

5. Links to Operational Plan:
Goal #3

6. Narrative (one page limit)

See Attached

Performance Element Result #4

1. Specific Outcome (the result):

Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and PEER reviews; monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law, review findings noted and timely implement corrective actions; oversee the Agency's renewed commitment to Open Government primarily through the administration of Freedom of Information Act requirements; provide the necessary leadership and resources to demonstrate the Agency's commitment to miners' voice in the workplace; and supports DOL's Continuity of Operations (COOP) activities.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

Required Mine visits are made; repeat audit findings are reduced or eliminated, personnel are trained as necessary, field activity and second level reviews are completed, deficiencies are timely addressed; there is consistency in citations/orders issued, Hazard Condition Complaints are processed following SOPs, conferences and contested cases are not modified or vacated at an unreasonable rate; 105(c) and 110 cases have been investigated in accordance with the handbook, policies and procedures and mine plan approvals are evaluated accurately and thoroughly. Provides the necessary leadership and resources to ensure openness, transparency and timely disclosure when responding to all Freedom of Information Act requests. Strategies and initiatives support the Agency's commitment in assuring that miners are free to exercise their legal right to identify hazardous conditions and request Agency inspections without discrimination by overseeing the programs designed to empower miners to request and receive appropriate Agency response and protection. Provide liaison support to and coordination with the DOL for Continuity of Operations (COOP) activities, and provide executive leadership by assigning appropriate resources for COP implementation within the Agency. Serves on or oversees employees who serve on rulemaking committees to assure timely promulgation of regulations listed in the Agency's semi-annual agenda affecting CMS&H, CMI Training and retraining obligations are met.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Progress will be measured by using a variety of reports, e.g. mine visit log, hazardous condition complaints received, investigation and findings, FOIA-overdue report, number of trainees graduating and AR's who have completed their retraining obligations.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Results are measured annually; however, progress is monitored on a regular/recurring basis.

5. Links to Operational Plan:
Goals #2, 5, and 7

F. Managerial Competency Elements

Performance Standards for Leadership

Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.

Result 2: Stresses innovation, creativity, and risk-taking. Analyzes problems and develops alternative solutions, emphasizing new approaches. Takes calculated risks to move programs forward.

Result 3: Effectively represents the Department and the organization internally and/or externally. Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others.

Result 4: Promotes and maintains a diverse and inclusive workforce. Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees.

Result 5: Anticipates and meets the needs of clients/customers to provide better service. Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives.

Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.

Result 7: Promotes integrity and adheres to the highest ethical standards of public service.

Performance Standards for Resource Management

Result 1: Understands the organization's financial processes. Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls.

Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization.

Result 3: Understands the impact of technological developments on the organization. Makes effective use of technology to achieve results. Ensures access to and security of technology systems.

Result 4: Links individual performance requirements to key organizational goals. Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance.

Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner.

Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.

Result 7: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.

G. Organizational Performance Elements

Provide Organizational Performance Elements that demonstrate direct linkage with your agency's Operational Plan.

This section should include the major results to be achieved during the period covered by the performance agreement.

SAMPLE ORGANIZATIONAL PERFORMANCE ELEMENT:

(Outcome) Publish updated policy # XXXX on DOL representatives contact with mine employees, (Measure) report updates all pertinent portions of existing policy (Timeframe) by mid-year 04/30/11. Measure or source of data to determine "Meets" is the number of pertinent portions of xyz policy.

Performance Element Result #1

1. Specific Outcome (the result):

Reduce the mining fatality injury and all injury incidence rate. Monitor mine safety and health program area to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

2. Results Target (i.e. how much, how many) written at the "Meets" level, the result:

A 5% reduction in FY11 from the average number of fatalities for FY2005 - FY2010. The status of citations issued is monitored for timeliness of abatement. Performance will be measured by the degree to which the District is able to terminate citations within the period established by policy for abatement, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105(c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

3. Measure of Outcome (i.e. # of reports, policy/program initiatives, etc.) expressed as a "source of measurement data":

Progress will be measured by using a variety of reports, e.g. fatality injury and all injury incident rates, reports indicting citations 30-days past due, Hazardous condition complaints received, investigated and findings, backlog of contested cases, status of investigations of 105(c) and 110 complaints.

4. Timeframe (i.e. by when, once, quarterly, bi-annually)

Results are on an annual basis; however, review is monitored on a regular basis

5. Links to Operational Plan:

Goals #1 and 5

6. Narrative (one page limit)

See PA attached

Performance Element Result #2

1. Specific Outcome (the result):

Reduces fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicators and other reports to direct resources to monitor and improve enforcement performance and quality. Incumbent monitors MSHA Coal Key Indicator and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of each District's geography and work load when determining acceptable average performance baselines. Petitions for Modification are processed.

2011 RATING JUSTIFICATION DOCUMENT

Charles J. Thomas

Charles J. Thomas' Highly Effective Performance is in support of the Department of Labor's, MSHA's mission to prevent death and disease and injury from mining, as defined by the Agency's outcome goals and strategies, (Aligns with FY 2011 Operating Plan section entitled Outcome Goals: Strategic, Long-term, and Short-term, See pages 1-19).

Mr. Thomas as the "second-in-command" of the largest program area in MSHA, was a driving force in Coal meeting the 2011 Operating Plan goals. Mr. Thomas was fully engaged in the overall leadership, operation, and management of the Coal Program.

Through his exceptional leadership the efforts and achievements of Coal Mine Safety and Health speak for themselves. He not only met the goals of the 2011 Operating Plan by reaching 100% completion of mandated inspection and high hazard impoundments but he also met the goal set for impact and respirable coal dust inspections.

Mr. Thomas proved his exemplary performance by continuing to work across Program Areas in his efforts to improve his own. Mr. Thomas was in constant contact with A&M regarding hiring and budget management and on several occasions he met with the NCFLL. He and EPD have worked to ensure CMI entry-level classes could be scheduled to match the pace of hiring, that adequate retraining classes were being offered to ensure his journeymen enforcement personnel could be trained, ensured and that there was adequate space and time to conduct Field Office Supervisor training. He also spoke to several entry level inspector classes to ensure a positive start to their careers. He relied upon Technical Support on many occasions to collaboratively author many directives affecting the health and safety of the mining community, ensured that as the National Air and Dust lab moved from Coal to Technical Support that personnel and funding would be handed over as well to ensure the continued success of the lab and finally had to utmost confidence in the Mine Emergency Division to train our Mine Emergency Members. Mr. Thomas continued to provide personnel to assist, guide, and advise PEIR on matters affecting the databases and systems that could affect his Program Area. He worked with the Assessments Office to ensure that PPOV mines were notified and monitored and that allegations of miners' rights infractions were investigated. He worked collaboratively with Metal Nonmetal to ensure that where enforcement issues could be addressed consistently they were, he and the Administrator for MNM work closely to assist each other in times of need with the sole intention of the protection of the miner.

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

Managerial Competency Element: Leadership

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Develops and maintains long and short-term strategic planning to facilitate the achievement of the Agency's mission and to improve performance consistent with key organizational policies and priorities and economic, political, and social trends affecting the organization.	Strategic Planning Support for Leadership Organizational Performance	<ul style="list-style-type: none"> • Demonstrates extensive awareness and understanding of the Department's mission and strategic vision. • Actively works to develop and/or implement forward-looking strategic plans that maximize the Agency's ability to achieve its objectives. • Employs innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan. 	<ul style="list-style-type: none"> • Can effectively communicate and manage the implementation of results-oriented strategic plans to achieve the Agency's goals. • Demonstrates an understanding of the Agency's performance indicators. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Stresses innovation, creativity, and risk-taking. <ul style="list-style-type: none"> • Analyzes problems and develops alternative solutions, emphasizing new approaches. • Takes calculated risks to move programs forward. 	Innovation & Risk	<ul style="list-style-type: none"> • Clearly demonstrates initiative and ability to explore and create alternative solutions to problems. • Encourages, promotes, and supports innovative strategies among subordinates. 	<ul style="list-style-type: none"> • An effective problem solver. • Recognizes innovation. 	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 3: Effectively represents the Department and the organization internally and/or externally. <ul style="list-style-type: none"> • Actively engages the cooperation of internal and external stakeholders in working on common tasks or group projects; shares work and decision-making with others. 	Internal & External Relations	<ul style="list-style-type: none"> • Serves as an effective, reliable, and persuasive representative of the agency and Department of Labor on virtually all matters internal and external to the agency. 	<ul style="list-style-type: none"> • Serves as an effective representative of his/her immediate agency/offices. 	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

1

TAB 3

ATTACHMENT 1: FY2011 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	<p>Result 4: Promotes and maintains a diverse and inclusive workforce.</p> <ul style="list-style-type: none"> Actively recruits and hires from diverse applicant pools. Fosters collaboration with individuals from diverse backgrounds, perspectives, and experience. Ensures that opportunities for growth exist equitably for all employees. Provides fair and equitable recognition of accomplishments for all employees. 		<ul style="list-style-type: none"> Promotes and manages an inclusive workforce by championing diversity as a value in all aspects of the agency. Practices effective recruitment efforts to increase the pool of quality candidates from underrepresented groups. Promotes diversity at all grade levels. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Takes diversity into account while ensuring fair and nondiscriminatory recruitment, hiring, promotion and recognition. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 5: Anticipates and meets the needs of clients/customers to provide better service.</p> <ul style="list-style-type: none"> Sets standards for customer needs and satisfaction, and meets them. Uses effective business practices including balanced measures that consider customer, stakeholder, and employee perspectives. 	Customer Service	<ul style="list-style-type: none"> Provides the highest quality service to Agency customers, stakeholders, and employees by anticipating, addressing, and proactively managing current and future needs. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Consistently anticipates and meets customers' needs and satisfies standards for effective customer service. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<p>Result 6: Displays an attitude that accepts mistakes as part of the developmental process, as the organization works to achieve results that promote innovation, efficiency, and greater effectiveness.</p>	Innovation & Risk	<ul style="list-style-type: none"> Engenders a culture that encourages employees to take calculated risks to improve performance. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Accepts employees' reasonable mistakes as part of the development process. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

2

TAB 3

ATTACHMENT 1: FY2011 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 7: Promotes integrity and adheres to the highest ethical standards of public service.		<ul style="list-style-type: none"> Acts as a model of integrity personally and establishes an organizational culture that sets expectations of the highest ethical standards of public service among subordinate staff. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Adheres personally to the highest ethical standards of public service and encourages ethical behavior among subordinate staff. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Score for Leadership			Exceed	Meet	NI	F

N/R = Not Rated

3

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements
Managerial Competency Element: Resource Management

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 1: Understands the organization's financial processes. <ul style="list-style-type: none"> Prepares, justifies, and administers the program budget. Oversees procurement and contracting to achieve desired results. Monitors expenditures and uses cost-benefit thinking to set priorities. Develops and implements strategies to reduce erroneous and late payments, prevent Anti-deficiency Act violations, and ensure adequate management controls. 	Financial Management	<ul style="list-style-type: none"> Displays an exceptional level of awareness and concern for agency expenditures and financial priorities. Through teamwork and institutional knowledge, leverages agency resources to achieve maximum results. Engages in the identification of cost saving strategies and efficiencies. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages agency resources through the utilization and administration of appropriate budget processes and requirements. Makes decisions based on the agency's financial priorities and expenditures. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 2: Builds, trains, and manages workforce based on organizational goals, budget considerations, and staffing needs. <ul style="list-style-type: none"> Ensures continuing application of, and compliance with, applicable Equal Employment Opportunity (EEO) laws, regulations, and policies. Promptly addresses allegations of prohibited discrimination, harassment, and retaliation. Ensures that EEO principles are adhered to throughout the organization. 	Talent Management Diversity	<ul style="list-style-type: none"> Displays the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency. Is an active mentor and gives clear and actionable feedback to subordinates. Upholds EEO principles. Actively encourages and participates in succession planning. <input type="checkbox"/>	<ul style="list-style-type: none"> Manages the workforce to meet the needs of the agency by taking into account EEO principles, succession planning, diversity, recruitment, and training. <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

TAB 3
ATTACHMENT 1: FY2011 WORKSHEET
Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 3: Understands the impact of technological developments on the organization. <ul style="list-style-type: none"> Makes effective use of technology to achieve results. Ensures access to and security of technology systems. 	Technology & Modernization	<ul style="list-style-type: none"> Identifies and creatively utilizes current and new technologies to maximize the agency's ability to achieve its priorities. Encourages the use of technology to share information and engage stakeholders. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Appropriately utilizes and upgrades technologies to meet agency goals. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 4: Links individual performance requirements to key organizational goals. <ul style="list-style-type: none"> Incorporates organizational performance results into decisions about individual performance ratings and recognition. Makes meaningful distinctions between levels of performance in ratings and recognizing subordinate performance. 	Leadership Support Reward & Recognition Teamwork Individual Performance	<ul style="list-style-type: none"> Shares recognition and routinely rewards colleagues' accomplishments. Repeatedly demonstrates an ability to link individual with Departmental and agency performance requirements. Effectively uses agency and interagency teams to achieve agency outcomes. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Provides opportunities for individual and team development. Appropriately uses available performance, reward and recognition systems. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 5: Promotes an open, communicative environment that inspires and encourages service motivation, spirit, pride, and trust. <ul style="list-style-type: none"> Facilitates cooperation and motivates individual staff members/teams to accomplish organizational goals. Manages and resolves conflicts in a positive and constructive manner. 	Communication & Morale	<ul style="list-style-type: none"> Sets an example of accessibility and transparency. Fosters and reinforces a collaborative and engaged environment that inspires and encourages service, motivation, spirit, pride and trust. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Manages an open, communicative environment that serves the agency's mission. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

N/R = Not Rated

5

TAB 3

ATTACHMENT 1: FY2011 WORKSHEET

Senior Executive Evaluation Guidance for Managerial Competency Elements

N/R	Evaluation Element	What This Includes	Exceed	Meet	NI	F
<input type="checkbox"/>	Result 6: Prevents staff from working unauthorized overtime hours by consistently applying Fair Labor Standards Act (FLSA) and DOL policy regarding overtime, maintaining an awareness of staff hours worked and organizational goals accomplished, and ensuring staff are knowledgeable of how FLSA designation impacts overtime eligibility and authorization.	Fair Labor Standards Act	<ul style="list-style-type: none"> In addition, develops and implements strategies that reliably document compliance with FLSA, supplemented by an awareness of staff hours worked to corroborate the effectiveness of these controls. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Makes the Fair Labor Standards Act (FLSA) and DOL policy available to employees and management. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Result 7: Actively recruits to attract and select qualified applicants with the competencies needed by embracing the use of available hiring flexibilities, developing robust recruitment strategies, and maximizing the use of technology. Applies merit principles to develop, select, and manage a diverse workforce.	Hiring/Diversity	<ul style="list-style-type: none"> Manages this with an acute understanding of available hiring flexibilities and utilizes them in order to attract and select qualified applicants. Sets and meets hiring goals to maintain strength and reduce lapsed FTE. <input checked="" type="checkbox"/>	<ul style="list-style-type: none"> Applies merit principles to develop, select, and manage a diverse workforce. <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Score for Resource Management						
Summary Score for Managerial Competency			Exceed	Meet	NI	F
			Meet	Meet	NI	F

N/R = Not Rated

6

Summary Justification

Charles J. Thomas is receiving a Highly Effective rating. Mr. Thomas is receiving this rating based on the following information:

Total 6 of elements:
5 elements are exceeded
1 element is met

Narrative

Charles J. Thomas

Appraisal Period 10/01/2010 – 09/30/2011

Rating of Record: _____

Managerial Competency Element 1: Leadership

Throughout this rating period, Mr. Thomas has provided leadership and corporate direction to the nearly 1,200 Coal Mine Safety and Health employees at the Headquarters in Arlington, Virginia and to the 12 Districts and 43 field offices across the entire United States. His exemplary leadership skills have inspired the cooperation and confidence of Coal Mine Safety and Health employees throughout the entire organization to produce optimal results and dedication to the mission. His efforts and leadership demonstrated his extensive awareness and understanding of the Department's mission and strategic vision.

- **Result 1: Long and Short-term Strategic Planning.** Mr. Thomas employed innovative uses of Agency resources and technologies to meet performance indicators under its strategic plan by empowering each of his HQ Divisions to continue to attack problems and/or negative trends; including areas such as Safety, Health, internal Administrative areas and taking the steps necessary to ensure that all workers were treated fairly utilizing the necessary steps to ensure that our workforce was able to meet the physical requirements needed to perform enforcement activities.
- **Result 2: Stresses Innovation, Creativity and Risk-Taking.** Mr. Thomas clearly demonstrated initiative and ability to explore and create alternative solutions to problems by encouraging and empowering but not micro-managing his Managers to be creative with their efforts to manage their programs, e.g. developing slogans for Winter Alert, stickers for the Coal Miners emphasizing various hazards, developing and disseminating safety and health flyers, etc...; giving numerous personnel opportunities to "act" or be temporarily promoted into positions outside their area as a result of a drain on resources; and supporting other program areas' initiatives such as the completion of the transfer of the National Air and Dust lab functions from CMSH to Technical Support.
- **Result 3: Represents the Department Internally and Externally.** Mr. Thomas has been involved in new inspector orientation and District Stakeholder meetings at both Federal #2 Mine and at District 7; and prepared briefing material on tracking and communication for both the Administrator and the Assistant Secretary.
- **Result 4: Diverse Workforce.** Mr. Thomas practiced effective recruitment efforts to increase the pool of quality candidates as well as supported Coal's efforts in accommodating employees when it did not affect the mission.
- **Result 5: Provide Better Service to Clients and Customers.** Mr. Thomas provided the highest quality service to Agency customers, stakeholders, or conducting speaking engagements including Coal inspector orientations and graduations, various Coal retraining classes; the governor of WV, and various coal companies; and dealing with internal issues.
- **Result 6: Accepts Mistakes as Development Process.** Mr. Thomas accepts a culture that encourages employees to take calculated risks to improve performance. He has interviewed and hired six (6) new District Managers in the last 24 months.
- **Result 7: Integrity and Ethics.** Mr. Thomas demonstrated integrity and adheres to the highest ethical standards and by holding his employees to a high level of standards. Reacting quickly but fairly to remedy behavior and performance issues from his top managers to first level employees.

The manager exceeds this competency.

Managerial Competency Element 2: Resource Management

Mr. Thomas has displayed an exceptional level of awareness and concern for agency expenditures and financial priorities. He consistently provided guidance and support to the districts and headquarters staff in effectively managing budgetary resources.

- **Result 1: Financial Management.** Mr. Thomas managed a budget of approx \$160 million whereby 76% is attributed to payroll, 17% to overhead, and 10% to recurring costs leaving CMSH about 0.6% to deal with unplanned purchases. CMSH ended the FY at about \$350k in the red which is exceptional considering the on-going UBB investigation. Budget meetings were held between coal staff and MSHA's Budget Officer to ensure a transparent operation.

- **Result 2: Talent Management.** Mr. Thomas displayed the highest commitment to the identification and/or recruitment, development, promotion and retention of diverse and talented individuals to build leadership capacity throughout the agency by offering current employees the opportunity to act in vacant positions to promote talent and growth. Due to the UBB investigations and attrition at the end of the FY, CMSH had approximately 30 - 35 personnel detailed or temporarily promoted into different positions. In FY 11 CMSH conducted 12 testing sessions in 8 of the 12 districts; he ensured that a variety of enforcement retraining classes was made available and attended by personnel holding authorized representative (AR) cards; and provided training for the Coal Field Office Supervisors to specifically target their needs. Mr. Thomas often call the supervisor directly over the CMI that an AR card is requested and has first hand information if the trainee is ready to conduct inspections of underground and surface mines.

- **Result 3: Technology and Modernization.** Mr. Thomas identified and creatively utilized current and new technologies to maximize the agency's ability to achieve it priorities by participating in the Rules to Live By II training and continuing to develop in house solutions in order to better track data.

- **Result 4: Leadership Support, Reward & Recognition, Teamwork, Individual Performance.** Mr. Thomas repeatedly demonstrated ability to link individuals with Departmental and Agency performance requirements by allowing districts to reward employees through performance and instant good job awards and recognizing personnel through the Secretary's Honor Award Program.

Mr. Thomas also fostered and reinforced a collaborative and engaged environment that inspired and encouraged service, motivation, spirit, pride, and trust by practicing an open door policy and brainstorming sessions empowering employees to share ideas; developed a climate of motivation, participation and opportunities for employee initiative; immediately and effectively investigated and addressed complaints filed whether it be anonymous, mine operators or other employees through using internal personnel and/or internal departments to maintain integrity of investigation and to ensure fair and unbiased decisions; personally served as mediator on EEO complaints in an attempt to resolve issue before they proceeded to next step; routinely held conference calls with District personnel to encourage and promote their efforts in support of the Agency's mission and recognizing, reacting and implementing a remedy with respect to conduct or performance related issues. **Result 6: FLSA Requirement.** Mr. Stricklin consistently applied FLSA and DOL policy regarding overtime by ensuring his management personnel were aware of FLSA and how it impacted overtime eligibility and authorization.

- **Result 6: Recruits Qualified Applicants.** Mr. Thomas managed with an acute understanding of available hiring flexibilities and utilized them in order to attract and select qualified applicants by actively supporting efforts in the diversity hiring and the Federal Inspector Hiring program.

The manager mk this competency.

Organization Element Result #1: Reduce the mining fatality injury and all injury incidence rate. Monitor mine safety and health program areas to ensure that citations/orders are timely terminated, Hazard Condition Complaints are timely processed, conferences and contested cases are handled appropriately, 105 (c) and 110 cases have been timely investigated and mine plan approvals are evaluated in a timely manner.

- | | |
|---|--|
| Fatal Injury Incidence Rate: | All Injury Incidence Rate: |
| FY 2011 Target: .0404 | FY 2011 Target: 3.28 |
| FY 2011 Result: .0113 through 3 rd qtr | FY 2011 Result: 3.28 through 3 rd qtr |
- Coal received approximately 1,179 hazardous condition complaints during FY2011. A final decision had been reached for 1,128 of those complaints, approximately 334 (30%) of which were positive findings.
 - CMSH initiated and has continued to conduct "impact inspections". Coal selected mines that would represent potential explosion hazards. Through 11 months of the FY, CMSH conducted 129 impact inspections. In FY11, these inspections resulted in 2,082 citations, 176 Orders, 10 Safeguards with an average S&S rate of 46.42%;
 - There were over 19,000 events opened and over 93,000 citations and orders issued.
 - CMSH is on a record setting pace for lowest fatalities;
 - Ensured maximum use of resources despite at one time over 40 details and temporary promotion ongoing due to UBB and attrition;
 - 3 entry level inspector training classes were started in FY11 and 4 classes graduated;
 - 13 mines received notice of Potential Pattern of Violation (PPOV), 2 were placed back on a PPOV status after concluding their compliance levels fell to unacceptable levels, and 2 coal mining operations were placed on POV – a first in the history of the Mine Act;
 - For the first time, MSHA/CMSH filed with the US District Court a motion for preliminary injunction (section 108(a)(2)) of the Mine Act against Freedom Energy located in KY;
 - Key Indicator reports were utilized as a management tool;
 - Achieved 100% completion of the mandatory safety and health inspections;
 - The split of District 4 creating District 12 became a reality in May of 2011;
 - Issued safety alerts, safety flyers, fatality alerts, and various materials to distribute to coal miners such as alerts regarding Communication and Tracking Distress Features and Storm Run Off and Mine Water Accumulations;
 - Reviewed, along with his staff, all fatalities and draft enforcement actions which were contributory to fatal accidents;
 - Continued using two teams of inspection personnel to conduct health inspections, respirable dust sampling and evaluation of dust controls. Mines were selected for inspections based on criteria such as:
 - 1) Difficulty complying with the applicable respirable dust standard.
 - 2) Low-weight Designated Occupation Samples (unreasonable concentration for occupation sampled).
 - 3) High quartz levels in respirable dust.
 - 4) Unreasonable/insufficient dust controls specified in the approved ventilation plan.
 - 5) Operator or MSHA samples not collected during time when unit is producing normal amounts of material (unrepresentative samples of normal mining operations);
 - Over the course of the FY, the dust teams inspected 16 mines in 4 districts, collected over 200 valid respirable dust samples. The dust teams issued a total of 173 citations of which 127 were related to health and 46 were related to safety; and
 - During FY11 a higher percentage of inspections, 63% were full sampling inspections, compared to 45% (22 mines) of FY10 inspections.

Exceeds

Organization Element Result #2: Reduce the fatalities and injuries in the Nation's Coal mines by using the MSHA Key Indicator and other reports to direct resources to monitor and improve the enforcement performance and quality. Incumbent monitors MSHA Key Indicators and other reports for performance results outside the acceptable norms and averages for the Coal Districts' unique and distinct performance levels. Incumbent understands the effects of each District's geography and work load when determining acceptable average performance baselines. Petitions for Modifications are processed.

- Coal Mine Safety and Health was the sole author or co-authors on 22 new and 41 reissued Safety/Health Information Bulletins and Instruction Letters. Examples include Protecting Miners from Hazards Related to Rib Falls, Run-Through Check Curtains, Inspection of Post-Accident Communication and Electronic Tracking Systems, and Updated Procedures for Inspection of Seals;
- All Coal Authorized Representatives (ARs) completed the Rules To Live By II training course;
- Promoted and emphasized to the Districts that all ARs receive appropriate retraining to hone their enforcement knowledge;
- Continued to promote consistency in enforcement measures through various means such as managers' meetings and conference calls, and a two-week training course for our Field Office Supervisors;
- Indications of lacking oversight were addressed at the highest levels of the District, to ensure that the District Manager was aware that ultimately he/she was responsible for the expectations he/she put on the district personnel;
- 113 Petitions were either granted, revoked, or denied this Fiscal Year. 82 petitions were drafted this FY.
- Indicator reports were reviewed, monitored and analyzed to track individual and district performance, the other national databases were regularly utilized (time utilization, IPAL uploads, timely citation terminations, etc.).

GA Ceeds

Organization Element Result #3. Decrease by 2% per year from previous year's performance or target, the percentage of dust and noise samples taken with the results that are above the allowable limits.

Overexposures to Noise:
 FY 2011 Target: 2.99
 FY 2011 Result: 2.72

Overexposures to Dust:
 FY 2011 Target: 6.32
 FY 2011 Result: 5.76

Organizational Element Result #4. Use all available tools to reduce and/or eliminate the inconsistent enforcement of the Mine Act, MINER Act, and the deficiencies identified in accountability, district and PEER reviews; monitor the Accountability reviews that have been conducted to ensure consistency in enforcing the law, review findings noted and timely implement corrective actions; oversee the Agency's renewed commitment to Open Government primarily through the administration of Freedom of Information Act requirements; provide the necessary leadership and resources to demonstrate the Agency's commitment to miners' voice in the workplace; and supports DOL's Continuity of Operations (COOP) activities.

- Monitored inspection data and the level of consistency in inspections. Audits were conducted and discrepancies were corrected;
- Continued to monitor and track accountability reviews to ensure compliance with recommendations; and
- Ensured that enforcement personnel made mine visits to determine if the level of enforcement was effective and consistent with the conditions and practices in the mine.

GA Ceeds

CMSH had representatives on rule making committees:

- Proposed Rule on Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines;
- Proposed Rule on Proximity Detection Systems for Underground Mines;
- Rock Dust;
- Respirable Silica;
- Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards;
- Pattern of Violations; and
- Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors.
- Resources were provided to ensure openness, transparency and disclosure when responding to all FOIA's;
- In FY11 CMSH, not including the carry over, received 1,335 FOIAs, Completed 1,360 FOIAs and ended the Year with 118 still pending at the end of the FY;
- Various materials were developed to educate and inform Miners of their Rights. Talking points were given to the inspectors;
- Miners were given a Miners' rights Trifold Brochure, Pocket Card, and sticker;
- Miners were told of MSHA's website "A Guide to Miners' Rights and Responsibilities" as well as information available from the Mine Academy including A Guide to Miners' rights and Responsibilities – DVD; and
- Coal received approximately 1,179 hazardous condition complaints during FY2011. A final decision had been reached for 1,128 of those complaints, approximately 334 (30%) of which were positive findings.

Gracis

MEMORANDUM FOR ERNEST CAMERON

Director, Administration and Management

FROM:

PATRICIA W. SILVEY

Deputy Assistant Secretary for Operations

SUBJECT:

Delegation of Authority to Propose Disciplinary Actions

DATE:

November 19, 2012

This memorandum
~~This purpose of this memo is to transmit delegation of authority to the Director of Administration and Management (A&M) for issuing proposed disciplinary actions for members of Coal in connection with the Upper Big Branch Mine incident.~~ *related to the Upper Big Branch mine accident.*

This authority is effective immediately and will remain in force until otherwise revoked, rescinded or superseded. The Director of A&M is hereby delegated authority to serve as the proposing official for ~~propose disciplinary action~~ in all cases involving employees of Coal *other than the Administrator of Coal.*

Mine Safety and Health, Management (A&M)
Director of Administration and Management (A&M)

Cameron, Ernest - MSHA

From: Rose, Sydney T - OASAM HRC
Sent: Monday, September 17, 2012 2:22 PM
To: Cameron, Ernest - MSHA; Crawford, Nancy M - MSHA
Cc: Hugler, Edward - ASAM; Kramer, Donna L - OASAM HRC; Hooper, Shawn - OASAM HRC
Subject: FW: MSHA Cases
Attachments: Administrator counseling letter.doc; Winston proposed 14 day suspension.doc; Moore proposed 10 day suspension.doc; Selfe proposed 20 day suspension.docx; Thomas proposed 20 day suspension.doc

Earnest and Nancy: Over the course of many discussions and meetings with MSHA, OASAM agreed to complete a draft counseling memo by September 19 and draft notices of proposed submission by the week of September 24. It has now come to my attention that Mr. Main wants and expects all of these notices to be completed by this Wednesday (9/19). It is not possible for us to meet that new deadline. As you know, Donna Kramer provides employee and labor relations services to all OASAM client agencies and her work load simply does not permit this sudden deadline adjustment. I am forwarding the work done by Donna Kramer thus far so that MSHA's HR Office can take over and complete these actions.

Sydney

From: Kramer, Donna L - OASAM HRC
Sent: Monday, September 17, 2012 12:32 PM
To: Rose, Sydney T - OASAM HRC
Cc: Hugler, Edward - ASAM
Subject: RE: MSHA

Please see attached.

Donna L. Kramer
Supervisory Human Resources Specialist
Office of Human Resources Consulting
and Operations
U.S. Department of Labor
OASAM/OHRCO
Phone: 202-693-7686
Kramer.Donna.L@dol.gov

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How Was My Service? Click Here (3 minute survey): <http://dol-hrc.customerservicesurvey.sgizmo.com/s3/>

From: Rose, Sydney T - OASAM HRC
Sent: Monday, September 17, 2012 12:21 PM
To: Kramer, Donna L - OASAM HRC
Cc: Hugler, Edward - ASAM
Subject: MSHA

Donna: Please forward to me everything you've done on UBB so far. If Joe Main needs these proposals done by this Wednesday, his HR office will need to take it from here.

Sydney

Confidential Agency Document
DLB-000253

MSHA-ECAMERON-0003

From: Crawford, Nancy M - MSHA
Sent: Tuesday, September 18, 2012 9:50 AM
To: Hicks, Jacquelyn - MSHA; Polk, Lareatha - MSHA
Subject: RE: MSHA Cases

Just work with him so that we can have roughly a final draft of all by cob.

I believe that 3 of these are almost done (probably the top 3).

Nancy M. Crawford
Director, Human Resources
Mine Safety and Health Administration
US Department of Labor
1100 Wilson Blvd, Room 2126
Arlington, VA 22209-3939
202-693-9808 Office
202-578-1354 BB

From: Hicks, Jacquelyn - MSHA
Sent: Tuesday, September 18, 2012 8:46 AM
To: Crawford, Nancy M - MSHA; Polk, Lareatha - MSHA
Subject: RE: MSHA Cases

Nancy,

I'm going to send all of these to Mr. Fesak for review since he was involved in the investigation/report. I can fix formatting of course but these are terribly written, sentences/names/specs missing, etc on just about all of them. I have no way of knowing what's missing or what is complete so I need someone who was involved to confirm. Let me know if you have any issues with that.

v/r,

~J~

Jacquelyn N. Hicks
HR Specialist, Labor/Employee Rel. Branch
Mine Safety and Health Administration (MSHA)
1100 Wilson Boulevard
Arlington VA 22209 -3939
Phone (202)693-9866
hicks.jacquelyn@dol.gov

"My grandfather once told me that there were two kinds of people: those who do the work and those who take the credit. He told me to try to be in the first group. There is much less competition." -Ghandi

"A fundamental difference between management and leadership is the intrinsic understanding that just because you have the right to do it, doesn't make it the right thing to do." -Me

From: Crawford, Nancy M - MSHA
Sent: Monday, September 17, 2012 3:57 PM
To: Polk, Lareatha - MSHA; Hicks, Jacquelyn - MSHA
Subject: FW: MSHA Cases

CLOSE HOLD PLEASE DO NOT FORWARD.

Nancy M. Crawford
Director, Human Resources
Mine Safety and Health Administration
US Department of Labor
1100 Wilson Blvd, Room 2126
Arlington, VA 22209-3939
202-693-9808 Office
202-578-1354 BB

From: Rose, Sydney T - OASAM HRC
Sent: Monday, September 17, 2012 2:22 PM
To: Cameron, Ernest - MSHA; Crawford, Nancy M - MSHA
Cc: Hugler, Edward - ASAM; Kramer, Donna L - OASAM HRC; Hooper, Shawn - OASAM HRC
Subject: FW: MSHA Cases

Earnest and Nancy: Over the course of many discussions and meetings with MSHA, OASAM agreed to complete a draft counseling memo by September 19 and draft notices of proposed submission by the week of September 24. It has now come to my attention that Mr. Main wants and expects all of these notices to be completed by this Wednesday (9/19). It is not possible for us to meet that new deadline. As you know, Donna Kramer provides employee and labor relations services to all OASAM client agencies and her work load simply does not permit this sudden deadline adjustment. I am forwarding the work done by Donna Kramer thus far so that MSHA's HR Office can take over and complete these actions.

Sydney

From: Kramer, Donna L - OASAM HRC
Sent: Monday, September 17, 2012 12:32 PM
To: Rose, Sydney T - OASAM HRC
Cc: Hugler, Edward - ASAM
Subject: RE: MSHA

Please see attached.

Donna L. Kramer
Supervisory Human Resources Specialist
Office of Human Resources Consulting
and Operations
U.S. Department of Labor
OASAM/OHRCO
Phone: 202-693-7686
Kramer.Donna.L@dol.gov

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How Was My Service? Click Here (3 minute survey): <http://dol-hrc.customerservicesurvey.sgizmo.com/s3/>

From: Rose, Sydney T - OASAM HRC
Sent: Monday, September 17, 2012 12:21 PM
To: Kramer, Donna L - OASAM HRC
Cc: Hugler, Edward - ASAM
Subject: MSHA

Donna: Please forward to me everything you've done on UBB so far. If Joe Main needs these proposals done by this Wednesday, his HR office will need to take it from here.

Sydney

MEMORANDUM TO LINCOLN L. SELFE, JR.
Supervisory Mine Safety and Health Inspector

FROM: KEVIN G. STRICKLIN
Administrator
Coal Mine Safety and Health

SUBJECT: Notice of Proposed **Fourteen (14)** Day Suspension

This is a notice of a proposal to suspend you from duty and pay for **fourteen (14)** calendar days from your position of **Supervisory Mine Safety and Health Inspector**, GS-1822-14, in Coal Mine Safety and Health District 4, no sooner than thirty (30) calendar days from your receipt of this notice. This action is being proposed to promote the efficiency of the service and is issued in accordance with Title 5, Code of Federal Regulations, Part 752, and Departmental Personnel Regulations (DPR) 752. The reasons and specifications upon which the proposal is based are as follows:

Reason: Failure to Carry out Your Official Duties

Specification 1

You did not provide the necessary oversight to ensure that inspectors in the Mt. Hope and Princeton field offices tracked locations where rock dust survey samples were not previously collected due to wet conditions.

Inspectors in these offices did not follow procedures on pages 62-63 of the 2008 General Coal Mine Inspection Procedures and Inspection Tracking System handbook, which states:

Locations where samples were not previously collected due to wet conditions shall be tracked and inspected for a period of one year. The status of each of these individual wet locations shall be determined during each regular inspection conducted within this one-year period. Spot samples shall be collected if conditions permit on a re-inspection of a previously wet area....If the status of a re-inspected wet area changes, it shall be updated by the inspector in the Rock Dust Sample Submission Application (RDSS) and the data uploaded."

The MSHA enterprise database showed that inspectors in the Mt. Hope and Princeton field offices, which were both under your supervision, did not use RDSS to report collecting any samples from previously wet locations at any mine before the explosion. The remaining District 4 field offices reported collecting 1,566 samples from previously wet locations during that time; this accounted for 34% of the national total.

Spot rock dust samples were not collected from any previously wet area at the Upper Big Branch mine during the five years preceding the explosion. After the explosion, MSHA inspected 422 locations in the mine originally reported as too wet to sample. Mine conditions had sufficiently dried to permit sampling in 355 (84%) of these locations.

Specification 2

You did not provide adequate oversight to ensure that inspectors reviewed potentially flagrant violations in accordance with the procedures established by Procedure Instruction Letter (PIL) No. I08-III-02.

District 4 inspectors issued eight section 104(d) (2) orders for violations at UBB that met the “numbered objective criteria” outlined in PIL I08-III-02 for review as potentially flagrant violations. All eight orders involved the operator’s failure to follow the approved ventilation plan. Seven orders met the criteria for the “repeated failure” to make reasonable efforts to eliminate known violations, and one met both the “repeated failure” and “reckless failure” criteria. However, District 4 personnel did not review any of the eight orders as potentially flagrant violations. As a result, none of the eight orders were submitted to the CMS&H Administrator for a final determination.

In your enforcement division, only 9% of the 66 potentially flagrant violations required to be reviewed were actually reviewed as required by PIL No. I08-III-02.

In reaching my decision to propose a fourteen (14) calendar day suspension, I considered the nature and seriousness of your actions. Failing to carry out your official duties is one of the most serious infractions that can be committed. You were and still are assigned to review the work of the enforcement personnel under your jurisdiction. If you are unable to effectively enforce agency procedures with respect to tracking wet locations and reviewing potentially flagrant violations, inspectors may be held to a lower standard of quality work.

An Assistant District Manager is a prominent position. You are recognized by mine operators, miners, miner’s representatives, and MSHA personnel as having an in-depth knowledge of the Federal Mine Safety and Health Act and its implementing standards and regulations. You were clearly on notice of agency policies and procedures. In your position as an Assistant District Manager you are responsible for the quality and quantity of work produced by your subordinates and for ensuring that agency policies and procedures are followed. You were able to correctly recite MSHA policies and procedures to the IR team when questioned on these matters.

I considered your performance ratings for FY’s 2010 and 2011 that were “Highly Effective,” the lack of prior disciplinary action in your personnel file, and your 28 years of federal service at the time these infractions occurred. I believe that you will not commit these same or similar infractions in the future. I am confident that you can be successful in carrying out all of your upcoming official duties.

However, these mitigating factors do not outweigh the seriousness of your actions. I believe this proposed fourteen (14) calendar day suspension will promote the efficiency of the Federal service and is the least action I can take to correct your unacceptable conduct. Any further instances of conduct of this nature may result in more serious disciplinary action, up to and including removal from the Federal Service.

You have the right to respond to this proposal orally and/or in writing and to furnish affidavits and other documentary evidence in support of your reply. Any reply is to be made no later than ten (10) calendar days following your receipt of this proposal. Full consideration will be given to any reply you make.

The deciding official in this case will be Ms. Patricia W. Silvey, Deputy Assistant Secretary for Operations, Mine Safety and Health Administration. Any written reply you make in response to the reasons and specifications, as well as any written request for an extension of the reply period, should be directed to the attention of Ms. Silvey at the address below.

Patricia W. Silvey
Deputy Assistant Secretary for Operations
Mine Safety and Health Administration
1100 Wilson Blvd., 21st floor
Arlington, VA 22209

If you wish to make an oral reply, you should contact Ms. Donna Kramer, Supervisory Human Resources Specialist, at 202-693-7686, to arrange for the time and place for the reply.

You have the right to be represented by an attorney or other representative of your choice, unless such choice represents a conflict of interest or position, unreasonable cost to the Government, or the Government has a priority need for the services of an employee who wishes to serve as your representative. You must indicate your choice of representative in writing to Ms. Kramer at 200 Constitution Avenue, N.W., Room C-5516, Washington, D.C. 20210. Copies of the materials on which this proposal is based are attached.

As soon as possible after your reply is received, or after the expiration of the reply period if you do not reply, you will be notified in writing of the decision in this case.

If there is anything in this notice concerning the proposed action that you do not understand or if you have a question about the process used, please contact Ms. Kramer.

You are advised to acknowledge receipt of this notice in the spaces provided below. An acknowledgment does not mean that you agree with the contents of this letter, only that you have received this notice.

Signature

Date

24 line letter
 Amundson & Wines
 Crandall Canyon
 Employment stuff
 Speech
 FMSHAC

Thursday

* Amundson Wines —
 * Email McWilliam
 * Crandall Canyon FMSHAC

3.5 Back at Dept to meet w/ Donna

✓ Give Joe edited speech

BS →
 Moore →

✓ For Donna get -

Description - roof control specialist

Don Winston

Jerome
 Cym
 Copies of handbooks

Supervisor
 FOS supervisor handbook

Copy 30 CFR

✓ Q: Do supervisor work their first 40?
 Overtime

1445 Rooming

Ernest
 Needs copy Form created by District 4
 Supervisor/Manager mine visit

✓ Finish advance notice draft

John Cornell

Take Road Map to Hearing Loss Document

Take notation of docs + response

Get John 2 docs prepared for response

Tell C... M... #1 Start with Laneshi's 2004 Man

MEMORANDUM FOR ERNEST CAMERON

Director, Administration and Management

FROM: PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations
Mine Safety and Health

SUBJECT: Delegation of Authority to Propose Disciplinary Actions

DATE: November 19, 2012

This memorandum delegates authority for issuing proposed disciplinary actions related to the Upper Big Branch Mine accident to the Director of Administration and Management (A&M).

This authority is effective immediately and will remain in force until otherwise revoked, rescinded or superseded. The Director of A&M is hereby delegated authority to serve as the proposing official in all cases involving employees of Coal Mine Safety and Health, except for the Administrator of Coal.

MEMORANDUM FOR ERNEST CAMERON
Director, Administration and Management

FROM: PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations

SUBJECT: Delegation of Authority to Propose Disciplinary Actions

DATE: November 19, 2012

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This authority is effective immediately and will remain in force until otherwise revoked, rescinded or superseded. The Director of A&M is hereby delegated authority to serve as the proposing official in all cases involving employees of Coal Mine Safety and Health, except for the Administrator of Coal.

Cameron, Ernest - MSHA

To: Selfe, Lincoln L - MSHA
Subject: RE: Address

No problem on the delay.

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

From: Selfe, Lincoln L - MSHA
Sent: Friday, December 07, 2012 6:53 PM
To: Cameron, Ernest - MSHA
Subject: Re: Address

Thanks again. I called Nancy and got till January 18th. I truly cannot understand this.

From: Cameron, Ernest - MSHA
Sent: Friday, December 07, 2012 06:50 PM
To: Selfe, Lincoln L - MSHA
Subject: RE: Address

No problem. The zip is 25880 by the way – just pulled it.

Take care

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

From: Selfe, Lincoln L - MSHA
Sent: Friday, December 07, 2012 6:49 PM
To: Cameron, Ernest - MSHA
Subject: Re: Address

Thank you.

From: Cameron, Ernest - MSHA
Sent: Friday, December 07, 2012 06:48 PM
To: Selfe, Lincoln L - MSHA
Cc: Cameron, Ernest - MSHA

Subject: RE: Address

Lincoln:

Dec. 7, 2012

Got it. I will look up the zip code – not to worry. I will get the documents out to you first thing Monday morning. I will be sending them UPS so please let me know when you receive them.

Thanks again and try to have a nice weekend.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

From: Selfe, Lincoln L - MSHA
Sent: Friday, December 07, 2012 6:34 PM
To: Cameron, Ernest - MSHA
Subject: Re: Address

I would like them sent to the office in Mt Hope. It is 100 Bluestone Rd. Mt. Hope, WV. I don't know the zip code. I am going to be out of the office on Monday but back Tuesday. If you need the zip code I can provide it then.

Thank you,
Link

From: Cameron, Ernest - MSHA
Sent: Friday, December 07, 2012 06:27 PM
To: Selfe, Lincoln L - MSHA
Cc: Cameron, Ernest - MSHA
Subject: Address

Lincoln:

Dec. 7, 2012

Good evening. I received your interview statements you requested and I am ready to forward them to you.

If you would be so kind and provide me the address that you would like me to send it to I will release the documents on Monday.

If you have questions please feel free to give me a call.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration

Confidential Agency Document
DLB-000264

MSHA-ECAMERON-0014

1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

Cameron, Ernest - MSHA

To: Selfe, Lincoln L - MSHA
Cc: Cameron, Ernest - MSHA
Subject: RE: Address

Lincoln:

Dec. 7, 2012

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Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
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Phone - 202-693-9800
cameron.ernest@dol.gov

304-877,3900

From: Selfe, Lincoln L - MSHA
Sent: Friday, December 07, 2012 6:34 PM
To: Cameron, Ernest - MSHA
Subject: Re: Address

25880

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Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
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Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

Cameron, Ernest - MSHA

To: Winston, Donald E - MSHA
Cc: Cameron, Ernest - MSHA
Subject: Address

Importance: High

Mr. Winston:

December 7, 2012

Good evening.

I received your interview statements this evening and I am now ready to forward them to you.

If you would be so kind and provide me the address that you would like me to send them to I will release the documents on Monday.

If you have questions please feel free to give me a call.

Regards,

Ernest

*Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov*

Cameron, Ernest - MSHA

To: Moore, Thomas V - MSHA
Cc: Cameron, Ernest - MSHA
Subject: Address

Importance: High

Mr. Moore:

Dec. 7, 2012

I received your interview statements this evening and am prepared to send them to you.

Would you be so kind and provide me the address you would like me to mail them to and I will release them on Monday.

If you have questions or concerns please give me a call.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

Cameron, Ernest - MSHA

To: Selfe, Lincoln L - MSHA
Cc: Cameron, Ernest - MSHA
Subject: Address

Importance: High

Lincoln:

Dec. 7, 2012

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If you would be so kind and provide me the address that you would like me to send it to I will release the documents on Monday.

If you have questions please feel free to give me a call.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

Cameron, Ernest - MSHA

To: Winston, Donald E - MSHA
Cc: Cameron, Ernest - MSHA; Crawford, Nancy M - MSHA
Subject: Documents
Attachments: DWinston 6-15-2011.pdf; DWinston 9-16-2010-final.pdf

Mr. Winston:

Dec. 10, 2012

In the interest of facilitating prompt receipt of the documents you requested I am including your interview statements in this email.

I will also be sending the hard copies of the documents to you to your office address today.

If you have questions please let us know.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

Cameron, Ernest - MSHA

To: Moore, Thomas V - MSHA
Cc: Cameron, Ernest - MSHA; Crawford, Nancy M - MSHA
Subject: Documents
Attachments: TMoore_6-15-2011_Session_1.pdf; TMoore 12-02-2010.pdf; TMoore 12-01-2010.pdf

Mr. Moore:

Dec. 10, 2012

In the interest of facilitating prompt receipt of the documents you requested I am including your interview statements in this email.

I will also be sending the hard copies of the documents to you to your office address today.

If you have questions please let us know.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

Cameron, Ernest - MSHA

To: Selfe, Lincoln L - MSHA
Cc: Cameron, Ernest - MSHA; Crawford, Nancy M - MSHA
Subject: Documents
Attachments: Lselfe - 12-07-2010-final.pdf; LSelfe 6-15-2011.pdf, Lselfe - 12-08-2010-final.pdf

Importance: High
Sensitivity: Confidential

Mr. Selfe:

Dec. 10, 2012

In the interest of facilitating prompt receipt of the documents you requested I am including your interview statements in this email.

I will also be sending the hard copies of the documents to you to your office address today.

If you have questions please let us know.

Regards,

Ernest

Ernest A. Cameron
Director, Administration and Management
Mine Safety and Health Administration
1100 Wilson Blvd. Room 2125
Arlington, VA
Phone - 202-693-9800
cameron.ernest@dol.gov

MEMORANDUM FOR GWEN M. STROUD
Complaint Analysis Officer
Office of the Inspector General

FROM: PATRICIA W. SILVEY
Deputy Assistant Secretary for Operations
Mine Safety and Health

SUBJECT: Allegation: Possible Employee Misconduct

I have attached an allegation of possible employee misconduct related to the Upper Big Branch Mine file. I request that the Department of Labor, Office of Inspector General, investigate this allegation.

Attachment